

ARTICLE 17-16

Defining and Application of District Regulations

Sec. 17-16-10	General provisions
Sec. 17-16-20	RE Rural Estate
Sec. 17-16-30	R-1 Single-Family Residential
Sec. 17-16-40	R-1-A Single- and Two-Family Residential
Sec. 17-16-50	R-1-B City Lot Residential
Sec. 17-16-60	R-2 Single- to Eight-Family Residential
Sec. 17-16-70	R-3 Multiple-Family Residential
Sec. 17-16-80	MH – Mobile Home District
Sec. 17-16-90	DT – Downtown District
Sec. 17-16-100	MU – Mixed Use Zone Districts
Sec. 17-16-110	PUD – Planned Unit Development Overlay Zoning District
Sec. 17-16-120	South 4th Avenue Overlay District
	Appendix 17-16-A South 4th Avenue Overlay District Map
	Appendix 17-16-B South 4th Avenue Corridor District S4CR Site Plan
	Appendix 17-16-C South 4th Avenue Gateway S4GW District Site Plan
	Appendix 17-16-D South 45th Avenue Overlay District Street Tree List
Sec. 17-16-130	CO Commercial Office District
Sec. 17-16-140	C-1 – Local Retail
Sec. 17-16-150	C-2 – Restricted Retail and Services
Sec. 17-16-160	C-3 – General Retail and Services
Sec. 17-16-170	BP – Business Park
Sec. 17-16-180	I-1 – Light Industrial
Sec. 17-16-190	I-2 – Heavy Industrial
Sec. 17-16-200	FC – Flood Plain Control District
Sec. 17-16-210	ME – Mineral Extraction
Sec. 17-16-220	PL – Public Land
Sec. 17-16-230	O – Open Space and Parks
Sec. 17-16-240	A/R – Agricultural/ Residential
Sec. 17-16-250	A/E – Agricultural Estate
Sec. 17-16-260	Sludge Application Overlay Zone
Sec. 17-16-270	Overlay Districts

ARTICLE 17-16

Defining and Application of District Regulations

Sec. 17-16-10. General provisions.

(a) General Application. The requirements set forth for each Zone District shall be minimum regulations and shall uniformly apply to the use of land or structures within each Zone District, except as provided herein. No land shall be used or occupied and no structure or building shall be constructed, erected, altered, used or occupied except in conformity with all regulations herein specified for the District in which it is located and in conformity with the City's building, subdivision, and other codes, regulations, resolutions, and ordinances. Minimum lot sizes and minimum lot widths are not applicable to existing subdivided land if all other requirements are met.

(b) Annexed Territory. Any territory hereinafter annexed to the City shall be zoned in accordance with the requirements of this Code. No territory shall be annexed to the City except pursuant to the Colorado Revised Statutes, as amended. Any petition for annexation of territory to the City shall be accompanied by all applicable fees for costs incurred by the City in processing the application. Such fees shall not be refunded should the application be denied or withdrawn for any reason.

(c) Zone Map and Boundaries of Zone Districts.

(1) The boundaries of the City Zoning Districts are shown on the map entitled Zoning District Map of the City, which map and all official amendments hereto are hereby made a part of these regulations. No changes in zone district boundaries shall be made on the Zoning District Map, except in accordance with law. Unless otherwise defined on the Zoning District Map, the boundaries between zone districts are lot lines, the centerline of streets, alleys, roads, highways, railroad rights-of-way, waterways, section lines, City limit lines or other lines drawn to scale (or such lines extended) on the Zoning District Map. Disputes concerning the exact location of any District boundary line shall be decided by the City Council.

(2) In instances in which an existing building is located in more than one (1) zoning district, the applicable use standards for the zoning district in which the majority of the existing building is located shall apply. Any building additions or site improvements shall be regulated according to the zoning district in which such additions or improvements are located. In the event that an existing building is split in half between two (2) zoning districts, the City Manager shall determine which use standards shall apply based upon the historic use of the building and the character of the surrounding area.

(d) Definition of Zone Districts. In order to regulate the use of land and buildings, regulate the location, height, bulk and size of buildings and other structures, and to provide for minimum separation between uses and structures, the City is hereby divided into the following defined Zone Districts. See the Development Regulations and Definitions contained in this Code. (Ord. 1964, 2008)

Sec. 17-16-20. RE Rural Estate.

(a) The RE District is intended for low-density, single-family residential uses with large lot areas and large homes. Limited farming uses are permitted, including the cultivation of land and the keeping of a limited amount of animals for individual homeowner use, as set forth in the Tabulation of Uses.

(b) Subdivisions with large lots inherently offer variety in housing and architecture, and privacy for the residents. For these reasons, Divisions 3 and 4 of Article 17-44 shall not apply to large lot subdivisions in Rural Estate Districts. In addition, Section 17-44-140 and Subsections 17-44-150(c) and (e) shall not apply.

(1) Minimum area of lot: Twenty thousand (20,000) square feet.

(2) Minimum width of lot:

a. Interior lot: eighty (80) feet.

b. Corner lot: ninety (90) feet.

(3) Minimum building setback:

a. Front:

1. Principal building: thirty (30) feet.

2. Accessory building: sixty (60) feet.

b. Side:

1. Principal building: fifteen (15) feet.

2. Accessory building: fifteen (15) feet.

c. Rear:

1. Principal building: fifteen (15) feet.

2. Accessory building: ten (10) feet.

d. Corner lot (minimum setbacks on all sides adjacent to street):

1. Principal building: thirty (30) feet.

2. Accessory building: sixty (60) feet.

(4) Maximum building height:

a. Principal building: thirty (30) feet.

b. Accessory building: sixteen (16) feet.

(5) Building areas:

a. Minimum floor area of principal building: one thousand two hundred (1,200) square feet above grade.

b. Total maximum floor area of all accessory buildings: two thousand (2,000) square feet.

(6) Encroachments into easements shall not be permitted, with the exception of perimeter or privacy fences.

(7) Encroachments into setbacks: Due to the size of the lots and lot widths within this District, encroachments into setbacks shall not be allowed.

(8) Parking: See Section 17-20-90.

(9) Landscaping: A maximum of twenty percent (20%) of the lot shall be landscaped with irrigated sod. The City encourages all residents to use xeriscaping, or low-water plant materials.

(10) Fencing: Only open fencing shall be allowed along the perimeter lot lines (wire mesh is allowed to be attached to open rail fencing). For the purposes of creating a small private space in a rear yard or for the keeping of livestock and other animals, a homeowner may fence an area, no more than ten percent (10%) of the total lot area, with a privacy fence (see Section 17-20-30). (Ord. 1964, 2008)

Sec. 17-16-30. R-1 Single-Family Residential.

The R-1 District is intended for low-density, single-family residential uses, together with such public facilities as may appropriately be located in the same district. The R-1 District also allows customary accessory, temporary and conditional uses as described in the Tabulation of Uses.

(1) Minimum area of lot: Seven thousand (7,000) square feet.

(2) Minimum width of lot:

a. Interior lot: sixty-five (65) feet.

b. Corner lot: seventy-five (75) feet.

(3) Minimum building setback:

a. Front:

1. Principal building: twenty-five (25) feet.^{1, 2, 3}

2. Accessory building: sixty (60) feet.

¹ The setback may be reduced by 5 feet if a detached garage is located at the rear of the lot.

² The setback may be reduced by 5 feet if a porch meeting the requirements as set forth in the Residential Design Standards, Subsection 17-44-110(e) is provided on the front of the home.

³ Side-loaded garages may encroach into the front setback up to 15 feet.

b. Side:

1. Principal building:

a) With an attached garage, carport or detached garage: seven (7) feet.

b) With a side-loaded garage: seven (7) feet on one (1) side, twenty (20) feet on other side.

c) Without garage, carport or detached garage with alley access: seven (7) feet.

d) Without garage, carport or detached garage without alley access: seven (7) feet on one (1) side, twenty (20) feet on other side.

2. Accessory building: five (5) feet.

c. Rear:

1. Principal building: twenty-five (25) feet.¹

2. Accessory building: ten (10) feet.^{2,3}

¹ For principal buildings meeting or exceeding the minimum 25-foot setback, 10-foot encroachments are allowed for any structure attached to the principal building. For principal buildings meeting or exceeding a 15-foot setback, 10-foot encroachments are allowed for any structure attached to the dwelling that is open, unenclosed, covered or uncovered, such as a covered patio or raised deck.

² If the accessory building is a detached garage on an alley without alley access, the setback shall be zero feet.

³ If the accessory building is a detached garage on an alley with alley access, the setback shall be 3 feet.

d. Corner lot (minimum setbacks on all sides adjacent to street):

1. Principal building: twenty (20) feet.¹

2. Accessory building:

a) Principal street: ten (10) feet behind rear line of principal building.¹

b) Secondary or side street: setback of principal building.²

¹ Setbacks may be required to be increased in order to preserve the sight triangle as set forth in Section 17-20-30.

² The principal street and secondary or side street shall be designated by the Director based on the City's Comprehensive Plan and Street Standards and Specifications.

(4) Maximum building height:

- a. Principal building: thirty (30) feet.
- b. Accessory building: sixteen (16) feet.

(5) Building areas:

- a. Minimum floor area of principal building: nine hundred (900) square feet above grade.
- b. Total maximum floor area of all accessory buildings: nine hundred (900) square feet.

(6) Compatibility standards: Compatibility standards that address the setback, height and appearance of a new home or a renovated existing home in an existing neighborhood are found in Section 17-44-290.

(7) Encroachments into easements shall not be permitted, with the exception of a permitted privacy fence.

(8) Encroachments into setbacks: Cornices, canopies, eaves, fireplaces, wing walls or similar architectural features are allowed to project no more than two (2) feet into the required setback.

(9) Parking: See Section 17-20-90.

(10) Landscaping: The entire front and side yards plus at least thirty percent (30%) of the rear yard shall be landscaped. The City encourages all residents to use xeriscaping, or low-water plant materials.

(11) Fencing: See Section 17-20-30. (Ord. 1964, 2008)

Sec. 17-16-40. R-1-A Single- and Two-Family Residential.

The R-1-A District is intended primarily for low-density, single-family residential use and two-family residential use (i.e., duplexes), together with such public facilities as may appropriately be located in the same district. The R-1-A District also allows customary accessory, temporary and conditional uses as described in the Tabulation of Uses.

(1) Minimum area of lot: Seven thousand (7,000) square feet.

(2) Minimum width of lot:

- a. Interior lot: sixty-five (65) feet.
- b. Corner lot: seventy-five (75) feet.

(3) Minimum building setback:

a. Front:

- 1. Principal building: twenty-five (25) feet.^{1, 2, 3}

2. Accessory building: sixty (60) feet.

¹ The setback may be reduced by 5 feet if a detached garage is located at the rear of the lot.

² The setback may be reduced by 5 feet if a porch meeting the requirements as set forth in the Residential Design Standards, Subsection 17-44-110(e), is provided on the front of the home.

³ Side-loaded garages may encroach into the front setback up to 15 feet.

b. Side:

1. Principal building:

a) With an attached garage, carport or detached garage: seven (7) feet.

b) With a side-loaded garage: seven (7) feet on one (1) side, twenty (20) feet on other side.

c) Without garage, carport or detached garage with alley access: seven (7) feet.

d) Without garage, carport or detached garage without alley access: seven (7) feet on one (1) side, twenty (20) feet on other side.

2. Accessory building: five (5) feet.

c. Rear:

1. Principal building: twenty-five (25) feet. ¹

2. Accessory building: ten (10) feet. ^{2, 3}

¹ For principal buildings meeting or exceeding the minimum 25-foot setback, 10-foot encroachments are allowed for any structure attached to the principal building. For principal buildings meeting or exceeding a 15-foot setback, 10-foot encroachments are allowed for any structure attached to the dwelling that is open, unenclosed, covered or uncovered, such as a covered patio or raised deck.

² If the accessory building is a detached garage on an alley without alley access, the setback shall be zero feet.

³ If the accessory building is a detached garage on an alley with alley access, the setback shall be 3 feet.

d. Corner lot (minimum setbacks on all sides adjacent to street):

1. Principal building: twenty (20) feet. ¹

2. Accessory building:

a) Principal street: ten (10) feet behind rear line of principal building. ²

b) Secondary or side street: setback of principal building. ²

¹ Setbacks may be required to be increased in order to preserve the sight triangle as set forth in Section 17-20-30.

² The principal street and secondary or side street shall be designated by the Director based on the City's Comprehensive Plan and Street Standards and Specifications.

(4) Maximum building height:

- a. Principal building: thirty (30) feet.
- b. Accessory building: sixteen (16) feet.

(5) Building areas:

a. Minimum floor area of principal building:

- 1. Single-family dwelling: nine hundred (900) square feet above grade.
- 2. Duplex (per unit): four hundred fifty (450) square feet per one-bedroom unit; six hundred (600) square feet per two-bedroom unit; seven hundred fifty (750) square feet per three-bedroom unit.

b. Total maximum floor area of all accessory buildings: six hundred (600) square feet.

(6) Compatibility standards: Compatibility standards that address the setback, height and appearance of a new home or a renovated existing home in an existing neighborhood are found in Section 17-44-290.

(7) Encroachments into easements shall not be permitted, with the exception of a permitted privacy fence.

(8) Encroachments into setbacks: Cornices, canopies, eaves, fireplaces, wing walls or similar architectural features are allowed to project no more than two (2) feet into the required setback.

(9) Parking: See Section 17-20-90.

(10) Landscaping: The entire front and side yards plus at least thirty percent (30%) of the rear yard shall be landscaped. The City encourages all residents to use xeriscaping, or low-water plant materials.

(11) Fencing: See Section 17-20-30.

(12) Sale of two-family residences (i.e., duplexes): A dwelling unit within a duplex may not be sold separately from the other unit, unless the sale is pursuant to the establishment of a common interest community as set forth in the Colorado Revised Statutes. (Ord. 1964, 2008)

Sec. 17-16-50. R-1-B City Lot Residential.

(a) The R-1-B District is intended to accommodate single-family detached units, two-family units (i.e., duplexes), single-family attached units set to one (1) side of the lot (i.e., patio homes) and town homes, together with such public facilities as may appropriately be located in the same district. The R-1-B District also allows customary accessory, temporary and conditional uses as described in the Tabulation of Uses.

(b) For all new residential subdivisions, the R-1-B District may not comprise more than thirty percent (30%) of a subdivision. To promote variety in housing stock, the subdivision shall include a minimum of thirty percent (30%) of at least three (3) types of housing: single-family, duplex, town home, patio home and, within this mix, at least one (1) category of Specified Housing, as described in Section 17-44-260. Further, the RDS sets forth the design standards for multi-family structures in Section 17-44-370.

(c) In existing neighborhoods, this District may be used for infill sites of twenty (20) acres or less.

(d) Dwellings in this District shall be built in accordance with all Building and Fire Codes and any other City ordinances and regulations.

(e) A thirty-foot landscape buffer is required between attached and detached dwellings.

(1) Minimum area of lot per unit:

- a. Detached dwellings: five thousand (5,000) square feet.
- b. Attached dwellings: three thousand (3,000) square feet.

(2) Minimum width of lot:

- a. Detached dwellings:
 - 1. Interior lot: forty (40) feet.
 - 2. Corner lot: fifty (50) feet.
- b. Attached dwellings:
 - 1. Interior lot: thirty (30) feet.
 - 2. Corner lot: forty (40) feet.

(3) Minimum building setback:

- a. Detached dwellings:
 - 1. Front:
 - a) Principal building: eighteen (18) feet.^{1, 2}
 - b) Accessory building: ten (10) feet behind rear line of principal building.

¹ The setback may be reduced by 5 feet if a detached garage is located at the rear of the lot; however, a minimum setback of 18 feet must be maintained from the Back of Walk (BOW) to the front of the garage.

² The setback may be reduced by 5 feet if a porch meeting the requirements as set forth in the Residential Design Standards, Subsection 17-44-110(e) is provided on the front of the home; however, a minimum setback of 18 feet must be maintained from the Back of Walk (BOW) to the front of the garage.

2. Side:

a) Principal building:

- 1) With an attached garage, carport or detached garage: five (5) feet.
- 2) Without garage, carport or detached garage with alley access: five (5) feet.
- 3) Without garage, carport or detached garage without alley access: five (5) feet on one (1) side: fifteen (15) feet on other side.

b) Accessory building: five (5) feet.

3. Rear:

a) Principal building: twenty-five (25) feet. ¹

b) Accessory building: ten (10) feet. ^{2, 3}

¹ In areas built with 25-foot setbacks, 10-foot encroachments are allowed for any structure attached to the principal building. Ten-foot encroachments are allowed for any structure attached to the dwelling that is open, unenclosed, covered or uncovered, such as a covered patio or deck, when the rear setback is 15 feet.

² If the accessory building is a detached garage on an alley without alley access, the setback shall be zero feet.

³ If the accessory building is a detached garage on an alley with alley access, the setback shall be 3 feet.

4. Corner lot (minimum setbacks on all sides adjacent to street):

a) Principal building: twenty (20) feet. ¹

b) Accessory building:

- 1) Principal street: ten (10) feet behind rear line of principal building. ²
- 2) Secondary or side street: setback of principal building. ²

¹ Setbacks may be required to be increased in order to preserve the sight triangle as set forth in Section 17-20-30.

² The principal street and secondary or side street shall be designated by the Director based on the City's Comprehensive Plan and Street Standards and Specifications.

(4) Attached dwellings and zero lot line homes:

a. Front:

1. Principal building: eighteen (18) feet. ^{1, 2}

2. Accessory building: ten (10) feet behind rear line of principal building.

¹ The setback may be reduced by 5 feet if a detached garage is located at the rear of the lot; however, a minimum setback of 18 feet must be maintained from the Back of Walk (BOW) to the front of the garage.

² The setback may be reduced by 5 feet if a porch meeting the requirements as set forth in the Residential Design Standards, Subsection 17-44-110(e), is provided on the front of the home; however, a minimum setback of 18 feet must be maintained from the Back of Walk (BOW) to the front of the garage.

b. Side:

1. Principal building: zero (0) feet on line side, ten (10) feet on other side. ¹

2. Accessory building: five (5) feet.

¹ If the principal building is a town home, the side setback for both sides is zero feet; however, town home structures must have a building separation of at least 10 feet.

c. Rear:

1. Principal building: fifteen (15) feet. ¹

2. Accessory building: ten (10) feet. ^{2,3}

¹ In areas built with 25-foot setbacks, 10-foot encroachments are allowed for any structure attached to the principal dwelling. Ten-foot encroachments are allowed for any structure attached to the dwelling that is open, unenclosed, covered or uncovered, such as a covered patio or deck, when the rear setback is 15 feet.

² If the accessory building is a detached garage on an alley without alley access, the setback shall be zero feet.

³ If the accessory building is a detached garage on an alley with alley access, the setback shall be 3 feet.

d. Corner lot (minimum setbacks on all sides adjacent to street):

1. Principal building: fifteen (15) feet. ¹

2. Accessory building:

a) Principal street: ten (10) feet behind rear line of principal building. ²

b) Secondary or side street: setback of principal building. ²

¹ Setbacks may be required to be increased in order to preserve the sight triangle as set forth in Section 17-20-30.

² The principal street and secondary or side street shall be designated by the Director based on the City's Comprehensive Plan and Street Standards and Specifications.

(5) Maximum building height:

a. Detached dwellings:

1. Principal building: thirty (30) feet.

2. Accessory building: sixteen (16) feet.

b. Attached dwellings:

1. Principal building: thirty-five (35) feet.
2. Accessory building: sixteen (16) feet.

(6) Building areas:

a. Detached dwellings:

1. Minimum floor area of principal building: nine hundred (900) square feet above grade.
2. Total maximum floor area of all accessory buildings: nine hundred (900) square feet.

b. Attached dwellings:

1. Minimum floor area of principal building per dwelling unit: six hundred (600) square feet per one-bedroom unit; seven hundred fifty (750) square feet per two-bedroom unit; nine hundred (900) square feet per three-bedroom unit.
2. Total maximum floor area of all accessory buildings (per dwelling unit): six hundred (600) square feet.

(7) Town home restriction: Town homes shall not be clustered in more than six (6) dwelling units.

(8) Compatibility standards: Compatibility standards that address the setback, height and appearance of a new home or a renovated existing home in an existing neighborhood are found in Section 17-44-290.

(9) Encroachments into easements shall not be permitted, with the exception of a permitted privacy fence.

(10) Encroachments into setbacks: Cornices, canopies, eaves, fireplaces, wing walls or similar architectural features are allowed to project no more than two (2) feet into the required setback.

(11) Parking: See Section 17-20-90.

(12) Landscaping: The entire front and side yards plus at least thirty percent (30%) of the rear yard shall be landscaped. The City encourages all residents to use xeriscaping, or low-water plant materials.

(13) Fencing: See Section 17-20-30.

(14) Grant of access, utility and maintenance easement: Prior to issuance of a permit to construct a dwelling where at least one (1) wall is to be located on the property line, evidence of an access, utility and maintenance easement and covenants filed with the County Clerk and

Recorder's Office shall be furnished to the Community Development Department. The easement shall be a minimum of five (5) feet in width running parallel to the side lot line the complete length of the lot abutting the property line. Covenants, filed on record with the County Recorder, shall grant ingress and egress for normal maintenance of the property line wall and shall prohibit placement or storage of combustible materials within the easement and against the property line wall. (Ord. 1964, 2008)

Sec. 17-16-60. R-2 Single- to Eight-Family Residential.

The R-2 District is intended to accommodate single-family dwellings as well as two- to eight-family buildings, together with such public facilities as may appropriately be located in the same district. The R-2 District also allows customary accessory, temporary and conditional uses as described in the Tabulation of Uses.

(1) Minimum area of lot:

- a. Single-family dwelling: seven thousand (7,000) square feet.
- b. Two- to eight-family dwelling: three thousand (3,000) square feet plus an additional two thousand (2,000) square feet per unit.

(2) Minimum width of lot:

- a. Single-family and duplex:
 - 1. Interior lot: sixty-five (65) feet.
 - 2. Corner lot: seventy-five (75) feet.
- b. Three- to eight-family dwelling:
 - 1. Interior lot: eighty (80) feet.
 - 2. Corner lot: one hundred (100) feet.

(3) Minimum building setback: Single-family dwellings and duplexes, along with their accessory structures, allowed in this District shall follow the R-1-A standards for setbacks. All other allowable dwellings shall follow the standards below:

- a. Front:
 - 1. Principal building: twenty-five (25) feet.
 - 2. Accessory building: sixty (60) feet.
- b. Side:
 - 1. Principal building:

- a) With an attached garage, carport or detached garage: seven (7) feet.
- b) Without garage, carport or detached garage with alley access: seven (7) feet.
- c) Without garage, carport or detached garage without alley access: seven (7) feet on one (1) side, twenty (20) feet on other side.

2. Accessory building: five (5) feet.

c. Rear:

a) Principal building: twenty-five (25) feet.¹

b) Accessory building: ten (10) feet.^{2,3}

¹ In areas built with 25-foot setbacks, 10-foot encroachments are allowed for any structure attached to the principal building. Ten-foot encroachments are allowed for any structure attached to the dwelling that is open, unenclosed, covered or uncovered, such as a patio or deck, when the rear setback is 15 feet.

² If the accessory building is a detached garage on an alley without alley access, the setback shall be zero feet.

³ If the accessory building is a detached garage on an alley with alley access, the setback shall be 3 feet.

d. Corner lot (minimum setbacks on all sides adjacent to street):

1. Principal building: twenty (20) feet.¹

2. Accessory building:

a) Principal street: ten (10) feet behind rear line of principal building.²

b) Secondary or side street: setback of principal building.²

¹ Setbacks may be required to be increased in order to preserve the sight triangle as set forth in Section 17-20-30.

² The principal street and secondary or side street shall be designated by the Director based on the City's Comprehensive Plan and Street Standards and Specifications.

(4) Maximum building height:

a. Detached dwellings:

1. Principal building: thirty (30) feet.

2. Accessory building: sixteen (16) feet.

b. Attached dwellings:

1. Principal building: thirty-five (35) feet.

2. Accessory building: sixteen (16) feet.

(5) Building areas:

a. Detached dwellings:

1. Minimum floor area of principal building: nine hundred (900) square feet above grade.

2. Total maximum floor area of all accessory buildings: nine hundred (900) square feet.

b. Attached dwellings:

1. Minimum floor area of principal building per dwelling unit: six hundred (600) square feet per one-bedroom unit; seven hundred fifty (750) square feet per two-bedroom unit; nine hundred (900) square feet per three-bedroom unit.

2. Total maximum floor area of all accessory buildings (per dwelling unit): six hundred (600) square feet.

(6) Compatibility standards: Compatibility standards that address the setback, height and appearance of a new home or a renovated existing home in an existing neighborhood are found in Section 17-44-290.

(7) Encroachments into easements shall not be permitted, with the exception of a permitted privacy fence.

(8) Encroachments into setbacks: Cornices, canopies, eaves, fireplaces, wing walls or similar architectural features are allowed to project no more than two (2) feet into the required setback.

(9) Parking: See Section 17-20-90.

(10) Landscaping: The entire front and side yards plus at least thirty percent (30%) of the rear yard shall be landscaped. The City encourages all residents to use xeriscaping, or low-water plant materials.

(11) Fencing: See Section 17-20-30.

(12) Sale of two-family residences (i.e., duplexes) and other attached dwellings: A dwelling unit within a duplex or an attached unit within a building may not be sold separately from the other units, unless the sale is pursuant to the establishment of a common interest community as set forth in the Colorado Revised Statutes. (Ord. 1964, 2008)

Sec. 17-16-70. R-3 Multiple-Family Residential.

The R-3 District is a high-density residential classification intended to provide adequate area for multi-family development. Multi-family development includes town homes and apartments. Other types of dwelling units shall not be allowed in the R 3 District. The R-3 District also allows customary accessory, temporary and conditional uses as described in the Tabulation of Uses.

(1) Minimum area of lot: five thousand (5,000) square feet, plus one thousand (1,000) square feet per unit.

(2) Minimum width of lot: one hundred (100) feet.

(3) Minimum building setback:

a. Front:

1. Principal building:

a) Up to thirty-five (35) feet in height: twenty-five (25) feet.

b) Over thirty-five (35) feet in height: fifty (50) feet.

2. Accessory building: sixty (60) feet.

b. Side:

1. Principal building: twenty (20) feet.

2. Accessory building: ten (10) feet.

c. Rear:

1. Principal building: twenty (20) feet.

2. Accessory building: ten (10) feet.

d. Corner lot (minimum setbacks on all sides adjacent to street):

1. Principal building:

a) Up to thirty-five (35) feet in height: twenty-five (25) feet.

b) Over thirty-five (35) feet in height: fifty (50) feet.

2. Accessory building: sixty (60) feet.

(4) Minimum distance between structures:

a. Principal building to principal building:

1. Town home: ten (10) feet.

2. Multi-family: twenty (20) feet.

b. Principal building to accessory building:

1. Town home: fifteen (15) feet.
2. Multi-family: twenty-five (25) feet.
- c. Accessory building to accessory building:
 1. Town home: five (5) feet.
 2. Multi-family: ten (10) feet.
- (5) Maximum building height:
 - a. Town home: thirty-five (35) feet.¹
 - b. Multi-family: forty-five (45) feet for fifty percent (50%) of the buildings, thirty-five (35) feet for remaining.¹
 - c. Multi-family within one hundred (100) feet of single-family: thirty-five (35) feet.¹
 - d. Accessory building: twenty (20) feet.

¹ The height of chimneys and antennas located on principal buildings may extend above the height of the principal building by a height not to exceed ten (10) feet.

(6) Building areas:

- a. Minimum floor area of principal building per dwelling unit: six hundred (600) square feet per one-bedroom unit; seven hundred fifty (750) square feet per two-bedroom unit; nine hundred (900) square feet per three-bedroom unit.
- b. Maximum area of accessory building.¹
 1. If town home is principal building: five hundred (500) square feet.
 2. If multi-family is principal building: one thousand six hundred (1,600) square feet.

¹ Accessory building for this zone district shall be considered exclusively as a garage or carport structure. A community center, clubhouse, sales office or other similar facility shall not be restricted by maximum area, but shall be required to meet all accessory building setbacks.

(7) Compatibility standards: Compatibility standards that address the setback, height and appearance of a new home or a renovated existing home in an existing neighborhood are found in Section 17-44-290.

(8) Encroachments into easements shall not be permitted, with the exception of a permitted privacy fence.

(9) Encroachments into setbacks: Cornices, canopies, eaves, fireplaces, wing walls or similar architectural features are allowed to project no more than two (2) feet into the required setback.

(10) Parking: See Section 17-20-90.

(11) Landscaping: The entire front and side yards plus at least thirty percent (30%) of the rear yard shall be landscaped. The City encourages all residents to use xeriscaping, or low-water plant materials.

(12) Fencing: See Section 17-20-30.

(13) Sale of attached dwellings: A dwelling unit within an attached unit or multi-family building may not be sold separately from the other unit(s), unless the sale is pursuant to the establishment of a common interest community as set forth in the Colorado Revised Statutes. (Ord. 1964, 2008)

Sec. 17-16-80. MH – Mobile Home District.

(a) A single-family district where residence shall be in mobile homes exclusively within a mobile home park.

(1) Development plan.

a. For each application for a mobile home zoning classification, a development plan shall be presented, which shall contain the following information.

1. Location and legal description.
2. Entrances to and exits from the District.
3. Design, showing size and arrangement of mobile home spaces.
4. Topography at two-foot contour intervals.
5. Areas set aside for recreation, laundry facilities, storage, paved off street parking, and supervisory, managerial or other similar facilities.
6. Perimeter fencing and landscaping plan with a listing of plant species.
7. Provisions for trash and garbage removal.
8. Gas, electric and phone service lines to each mobile home space.
9. Provisions for the lighting of roadways, driveways and pedestrian walks.
10. Water and sewer availability and distribution lines to each mobile home space.
11. Typical mobile home space detail.

b. Upon acceptance of the plan and final approval being granted for the zone change, the specifications and data contained upon the plans shall be binding upon the owners, their heirs, successors and assigns. Any improvement or alteration not in conformance with the approved plan must not be made without application first being made to the Planning Commission for an amendment to the plan, and approval by the City Council.

c. A development plan fee, based on the current City fee resolution, shall be paid at the date the application is submitted. No application shall be acted upon unless said fee is paid.

(b) Building Permit.

(1) No person shall construct a mobile home park or alter or install any structural improvement (including a mobile home) in any mobile home park without first securing a building permit from the Building Department authorizing such construction, alteration or installation. All applications for building permits under this Paragraph (b)(1) shall first be approved by signature from the mobile home park owner or agent prior to submission to the Building Department.

(2) An application for a permit authorizing the construction of a mobile home park, or for any alteration or installation of any structure in any mobile home park, shall set forth all necessary information as required by the Building Inspector to assure compliance with the requirements of this Article and all other City Codes, Regulations and Ordinances, whether presently or hereinafter adopted.

(3) The building permit fee for the construction of a mobile home park or for the construction, alteration or installation of any structure from a mobile home park shall be determined from fee schedules as set out in various applicable City ordinances and codes.

(c) Licenses and Inspections.

(1) No mobile home park shall commence operating or continue to operate in the City without obtaining a license as required by the City.

(2) Fees for licensing, inspection and re-inspection shall be governed by the applicable City ordinance.

(d) Standards for Site Planning.

(1) The mobile home park shall be located on a well-drained site and shall be located so that its drainage will not endanger any water supply.

(2) The Mobile Home District shall be allowed only where the same abuts on or has direct access to streets or highways no less than eighty (80) feet wide, and classified no lower than an arterial.

(3) The area of the mobile home park shall be not less than twenty (20) acres and large enough to accommodate the designated number of mobile home dwellings, necessary streets, parking areas, service areas and recreation areas.

(4) Mobile home park entrance and exit roadways shall connect to a dedicated public right-of-way. All internal streets shall be at least thirty-six (36) feet wide and shall be bounded on each side by a four-foot sidewalk.

(5) For each mobile home park common open space shall be provided in the amount of not less than thirty-five percent (35%) of the total park site. The recreational facilities shall include a

clubhouse containing at least ten (10) square feet per dwelling at buildout and not less than two thousand five hundred (2,500) square feet.

(6) Recreational vehicles may be parked at each mobile home dwelling in any mobile home park so long as such vehicles shall be parked on a designated paved parking pad and shall not extend over or beyond said parking pad. All other recreational vehicles shall be stored in a single designated storage area provided by the mobile home park, and not elsewhere in the park. A storage area for boats, boat trailers, travel trailers, camper units, snowmobiles and other recreational vehicles shall be provided by the mobile home park, equal in size to one hundred (100) square feet per dwelling at build-out space in the park.

(7) The mobile home park shall provide an area containing at least five (5) square feet per dwelling at build out and not less than one thousand (1,000) square feet in size for repair and maintenance of vehicles, boats, trailers and recreational units in general. No major repair or maintenance of such vehicles or units shall be permitted within the mobile home park, except in the area provided. Minor repair and maintenance of such vehicles and units shall be allowed at each individual mobile home space. As used herein, "minor repair and maintenance" does not include any substantial dismantling of a vehicle or unit, any work causing noxious fumes or excessive noise, or any work causing the subject vehicles or unit to be inoperable for a period exceeding forty-eight (48) hours.

(8) Each mobile home park shall meet the following requirements:

- a. Minimum width of park: five hundred (500) feet from property line to property line.
- b. Minimum setbacks: fifty (50) feet from a state highway, twenty-five (25) feet from a City street or if not abutting dedicated right-of-way.
- c. Minimum setbacks for park accessory buildings: fifty (50) feet from a dedicated public right-of-way and twenty-five (25) feet from an internal street.

(9) Each mobile home space or lot shall meet the following requirements:

- a. Minimum area of mobile home space or lot: five thousand (5,000) square feet throughout the entire park.
- b. Minimum width of mobile home space or lot at setback line: fifty (50) feet.
- c. Setback requirements. Rear of mobile home, non-primary entrance side shall not face an interior street. Home shall be installed to conform to the adjacent mobile homes on each side of it. At the time of setup, each mobile home shall meet the following:

<i>Setback Requirements</i>	<i>Measurement</i>
Minimum distance between mobile homes:	18 ft.
Minimum distance between mobile homes when lot is on a radius or angle:	18 ft. average
Front of mobile home from curb (entrance side):	18 ft.
Side of mobile home from curbs:	4 ft.
Front of carport from back of curb:	3 ft.
Covered deck or patio to rear of space or lot line:	10 ft.
Mobile home shall not block access to utility pedestal. Minimum distance between mobile home and utility pedestal:	4 ft.

d. Each mobile home, in all cases, shall have the right to use a three-foot strip of land immediately to the rear of said mobile home (opposite entrance side) for the purpose of emergency exit and general maintenance of said mobile home.

e. Each mobile home space or lot shall have two (2) off-street parking spaces with a combined minimum space of four hundred (400) square feet. Said parking spaces shall be hard-surfaced and each space shall have direct access to an internal street.

(10) The minimum mobile home size shall be six hundred fifty (650) square feet. The maximum mobile home height shall be sixteen (16) feet. Manufactured homes shall be allowed within the Mobile Home District. Manufactured homes must meet all applicable standards as indicated herein.

(11) Accessory buildings. All accessory buildings shall meet the current applicable City building codes in addition to the requirements herein.

a. One (1) carport with built in storage unit and a freestanding storage building shall be allowed per mobile home space or lot.

b. The minimum separation between an accessory building and any mobile home shall be five (5) feet.

c. Storage buildings:

1. All storage buildings shall be setback from the curb fifty (50) feet. For shallow lots that are less than eighty (80) feet deep, the minimum setback for a storage building from the curb shall be thirty (30) feet.

2. Storage buildings shall not exceed seven (7) feet in height and one hundred (100) square feet in floor area.

d. Carports:

1. One (1) carport shall be allowed per site, not to exceed six hundred (600) square feet in size.

2. Carports shall be allowed with a three-foot front setback.
3. Carports shall be open on all sides, with the following exceptions:
 - a) Open-faced lattice is allowed on two (2) sides.
 - b) A permanent locked storage unit may be built on one (1) side of the carport so long as the unit does not interfere with the parking of cars. The unit shall be built per Building Department regulations and shall not exceed one hundred (100) square feet.
4. Carports shall not exceed the height of the mobile home and must have a similar roof pitch.

(e) Utilities and Services.

(1) A sanitary sewer system shall be provided in all mobile home parks, and all waste and sewer lines discharging from buildings and mobile homes shall be connected thereto and the entire system shall be connected to the City sewer system.

(2) All service lines within the MH District shall be underground.

(3) Each mobile home space or lot shall be provided with at least a three-inch sewer connection, trapped below frost line, with the inlet of the line to be not less than one (1) inch above the surface of the ground. The sewer connection shall be provided with suitable fittings so that a water-tight connection and proper vent can be made between the mobile home drain and the sewer connection. Such mobile home connections shall be so constructed that they can be closed airtight when not linked to a mobile home, and shall be capped immediately after being disconnected from a mobile home in such a manner as to maintain them in an odor-free condition.

(4) The water supply for the mobile home park shall be connected to all service buildings and all mobile homes. The entire system shall be connected to the City water system. All internal service lines shall be a minimum of four and one-half (4½) feet below finished grade. An individual water service connection, which is provided for the direct use by a mobile home, shall be so constructed that the parking of such mobile home will not damage it. Such connections for a mobile home shall be provided with individual valves below frost depth, with a valve box to grade.

(5) All plumbing at the mobile home park shall comply with the Uniform Plumbing Code and health regulations of the City, of the applicable County, and of the State. Water lines shall not be installed within ten (10) feet of any sewer line.

(6) A water and sewer tap fee and plant investment fee must be paid for each mobile home space or lot in the park. The amounts of said tap fees and plant investment fees shall be those existing at the date of request in accordance with the City ordinance then in existence.

(7) The storage, collection and disposal of refuse in the park shall be so managed so as to avoid health hazards, rodent harborage, insect breeding areas, accident hazards, air pollution or

other conditions which endanger the health, safety or welfare of the inhabitants of the park or of the City. Refuse collection containers shall be set on concrete pads.

(f) Building Standards.

(1) Each mobile home shall be securely anchored immediately upon entering the park and skirted within two (2) weeks after entering the park.

(2) Mobile home blocking, anchorage and tie down requirements shall be regulated by the current specifications established by the Building Department and all other City codes, regulations and ordinances.

(3) Skirting shall completely enclose the area beneath the mobile home and shall be permanently fixed in place except for access way to crawlspace. Skirting shall be attached to the mobile home, extend to ground level and be secure. Skirting materials shall match the appearance of the exterior finish of the mobile home as closely as possible.

(4) No permanent additions of any kind shall be built onto, or become a part of, any mobile home, unless such addition conforms with all applicable City codes, regulations, and ordinances, including setback requirements set forth herein.

(g) Management.

(1) The mobile home park owner or agent shall be responsible for compliance with the provisions of this Article and all other City codes, regulations and ordinances regulating mobile home parks. In addition, the mobile home park owner or agent shall report promptly to the proper authorities any violations of the above.

(2) Nothing herein shall prohibit the mobile home park owner or agent from establishing additional or more restrictive regulations than are contained in this Article or any other City codes, regulations or ordinances, so long as said additional regulations are not inconsistent with this Article.

(3) The mobile home park owner or agent shall maintain the park in a clean, orderly and sanitary condition at all times.

(4) The mobile home park owner or agent shall prohibit the use of any mobile home by a greater number of occupants than that which it is designed to accommodate.

(h) General Provisions.

(1) No mobile home shall be parked or permitted to stand upon a public street or alley in the City.

(2) No mobile home shall be maintained upon any private property in the City unless the property is registered as a mobile home park and is located within an eligible zoning district, nor shall any travel trailer be used for residential purposes upon any private property.

(3) The mobile home shall comply with the provisions of all City codes, regulations and ordinances now in effect or hereafter adopted. (Ord. 1964, 2008)

Sec. 17-16-90. DT – Downtown District.

(a) Purpose. The Downtown District (DT District) is intended to create an atmosphere for historic preservation and enhancement. The application of innovative urban design and land use concepts are encouraged in a manner consistent with the Comprehensive Land Use Plan and objectives of the property owners and tenants of the area. The DT District provides for flexibility in design in order to maximize the benefits received from individual or collective improvements in the area. Performance criteria are used to evaluate the DT plan in lieu of the more traditional design standards which have been proven to be ineffective if applied without flexibility.

(b) Control. Upon approval, every DT plan shall be binding upon the owner of the parcel, their heirs, successors and assigns. The DT plan shall limit and control the issuance and validity of all building permits and certificates of occupancy, and shall restrict and limit the construction, location, design, use and operation of all land and buildings included within the plan to all conditions and limitations set forth in the plan. Any element of the construction, location or design of land or buildings not shown on an approved plan in graphic or written form shall conform to the C-3 District regulations and standards for nonresidential development, and to the R-3 District regulations and standards for residential development. In the case of a housing unit developed, or existing, in conjunction with a commercial establishment, such housing element may conform to the provisions of this Article which are applicable to the C-3 District. Allowed uses within the DT District are as established in the Table of Uses.

(c) Waiver of DT Plan Review Procedure. The applicant shall determine prior to making application for a building permit for a structure to be used for nonresidential purposes whether the provisions of the C-3 District shall be adhered to or whether a DT plan shall be submitted to the City for approval. Likewise, the applicant shall determine, prior to making application for a building permit for a structure to be used for residential purposes, whether the provisions of the R-3 zoning district shall be adhered to or whether a DT plan shall be submitted to the City for approval. At the landowner's request, the DT plan review procedure shall be waived by the Director if the development standards of this Article which are applicable to the C-3 District for nonresidential uses or the R-3 District for residential uses can otherwise be met. If the DT plan procedure is waived, a building permit shall be issued in accordance with City requirements and procedures.

(d) DT Plan Review Procedure.

(1) No building permit or certificate of occupancy shall be issued in the DT District without prior approval by the City Manager in consultation with the Planning Division. The following items shall be submitted with the DT plan application:

a. A site plan showing setbacks, rights-of-way, lot size, proposed and existing landscaping, parking and provisions for drainage.

b. A narrative description of the proposed use of the affected site and the time schedule for completion of any proposed construction.

c. If a structure is to be built or added to the affected site, a plan showing the proposed construction.

d. The legal description of the affected site.

(2) If a DT plan is to be submitted for approval, a preapplication conference shall be held by the applicant with the Planning Division where the deletion or addition of any requirements for the DT plan submittal and review shall be determined.

(e) Performance Criteria. The following criteria shall guide the review of DT plans and applications for DT zoning or development, and shall be interpreted liberally to further the purpose and objectives of the DT District.

(1) Improvements within this District should conform with the traditional style and pattern of development for an urban core.

(2) Emphasis should be placed on quality and efficiency in the planning and design of all improvements within this District.

(3) The allowed use of land and buildings in the DT District shall be as depicted in the Tabulation of Uses. All proposed uses and development shall be compatible with the traditional function of an urban core and harmonious with the existing neighborhood.

(4) A DT plan shall be required for any mixture of residential and commercial uses within the same building.

(5) The size of the parcel and buildings should be appropriate for the proposed use and be generally consistent with the traditional pattern of development for an urban core.

(6) The building setbacks and height should generally conform with the traditional pattern of development for an urban core. Zero (0) setbacks should be allowed where appropriate.

(7) Landscaping should be required when there is adequate setback to allow it, including the rear of the parcel when it is accessible to the public or visible from an area normally used by the public.

(8) Off-street parking should be required when the applicant cannot show that excess parking (public or private, with appropriate agreement) exists within six hundred (600) feet from the affected site.

(f) Amendment to DT Plan. The City Manager, in consultation with the Planning Division, may approve alterations to a DT plan if the alterations are in full compliance with the intent and purpose of the DT performance criteria. (Ord. 1964, 2008)

Sec. 17-16-100. MU – Mixed Use Zone Districts.

(a) Introduction. There are three (3) zone districts that are specifically tailored to mixed use development in the City. They are the Mixed Use Neighborhood Center (MU-NC), the Mixed Use Commercial Center (MU-CC), and the Mixed Use Regional/Employment Center (MU-R/EC). As

their names imply, they differ in size, scale, intensity, function, location and primary uses. This Section provides an overview of the three (3) mixed use zone districts, including a description of each zone and their particular purposes, and sets forth the procedures and requirements for establishing the zones on particular property, including preliminary development plans, phasing plans and final development plans. The permitted and conditional uses for each of the zone districts are set forth in Article 17-32 of this Code.

(b) Purpose. The primary purposes of the Mixed Use Zone Districts, (hereinafter referred to as MU Districts) are to:

(1) Provide appropriate areas for and to facilitate quality mixed use development in activity centers that are consistent with the Comprehensive Plan's land use and transportation goals, objectives, policies and strategies;

(2) Accommodate intensities and patterns of development that can support multiple modes of transportation, including public transit and walking;

(3) Group and link places used for living, working, shopping, schooling and recreating, thereby reducing vehicle trips, relieving traffic congestion and improving air quality in the City;

(4) Provide a variety of residential housing types and densities to assure activity in the District, support a mix of uses and enhance the housing choices of City residents; and

(5) Integrate new mixed use development with its surroundings by encouraging connections for pedestrians and vehicles and by assuring sensitive, compatible use, scale and transitions to neighboring uses.

(c) Application Procedure.

(1) The application requirements and procedures for establishing a Mixed Use zone district designation shall be the same as those required for Zone Changes (Section 17-8-80 of this Code) except for the additional submittal requirements as set forth herein.

(2) The application to establish a MU District shall include a Mixed Use Preliminary Development Plan (PDP) that describes and illustrates, in written and graphic format, the intended locations and maximum densities and/or intensities of proposed uses. For horizontal mixed use developments, reference to the appropriate residential, commercial or industrial zone district shall also be noted on the plans. A Mixed Use Preliminary Development Plan shall also include the layout of proposed major vehicle and pedestrian access and circulation systems, provision of transit facilities, existing natural features, areas designated to meet requirements for parks, open space and drainage along with the general location and estimated sizes of utilities. In addition, the MU Preliminary Development Plan shall indicate how the proposed uses will relate to the surrounding properties. The requirement for a MU Preliminary Development Plan may be met if a complete Final Development Plan for the entire zone district is submitted and approved.

a. Expiration of an approved MU Preliminary Development Plan. An approved MU Preliminary Development Plan that is not diligently pursued and developed shall expire in accordance with the provisions of Section 17-56-50 of this Code.

b. The Land Use Plan component of an approved MU Preliminary Development Plan may be administratively amended if the proposed amendment meets the criteria set forth below. For any proposed amendments not meeting the criteria set forth below, a proposed amendment shall be processed as set forth in Section 17-8-80 of this Code. An approved MU Preliminary Development Plan amendment request shall include updated Preliminary Utility Plans, Preliminary Drainage Plans and the proposed Land Use Plan, along with any other information reasonably required by City staff to process the request. Amendment criteria are as follows:

1. The location, size and/or configuration of an approved principal and use within an approved MU Preliminary Development Plan may be altered, up to twenty-five percent (25%) of the total gross land area of the approved MU-PDP, provided that the proposed alteration is for a less intensive land use (e.g., industrial to commercial, commercial to residential, multi-family to single-family), as determined by the Director. The allowable twenty-five-percent alteration may be accomplished at one (1) time or by several PDP amendments; however, in no event shall the aggregate amount of such alterations exceed twenty-five percent (25%) of the gross land area of the MU-PDP; or

2. If the proposed alteration is for a more intensive land use (e.g., commercial to industrial, residential to commercial, single-family to multi-family), as determined by the Director, then the location, size and/or configuration of an approved principal land use may be altered, but only up to fifteen percent (15%) of the gross land area of the Mixed Use zone district. The allowable fifteen percent (15%) may be accomplished at one (1) time or by several PDP amendments; however, in no event shall the aggregate amount of such alterations exceed fifteen percent (15%) of the gross land area of the MU-PDP; and

3. There is no proposed change in the classification and/or location of a major thoroughfare as set forth in the City's approved transportation or comprehensive plans.

If the proposed alterations meet the criteria above, but the Director nevertheless reasonably determines that there may be negative impacts on surrounding properties or the proposed alteration may negatively impact the public's health, safety and/or welfare, then the Director may refer the Preliminary Development Plan Amendment to the Planning Commission for review at a public hearing and recommendation to the City Council.

(3) Preliminary utility plans. The design of a mixed use development is to occur in a comprehensive manner, where and uses, site layout, utility corridors, landscaping, lighting and other infrastructure are designed in concert with one another. This especially applies to utility design work, where the advance planning and layout will facilitate construction, operation and maintenance, both from a functional and aesthetic standpoint. An MU Preliminary Development Plan (the "Plan") shall be prepared by a licensed engineer or under the direct supervision of a licensed engineer, and shall include the following information:

a. Typical Plan elements, which include: title block; section-township-range; drawing scale; north arrow indicator; symbol legend; and the name, address and telephone number of the person preparing the Plan.

b. Site layout, including property boundaries, dimensions, area (in square feet or acres), adjoining street names and right-of-way widths.

c. A map showing the general corridor and initial layout for each utility (including the existing and proposed utilities and their size). Any existing easements shall be shown on the Plan, along with any proposed easements.

d. General demand calculations for each utility based on the maximum density and/or intensity of proposed land uses.

e. Additional information as may be required at the discretion of the Development Engineering Manager.

(4) Preliminary drainage plans. As with the Utility Plan, the advance planning of drainage facilities and features is necessary to provide a comprehensive plan for the site layout, both from a functional and aesthetic standpoint. An MU Preliminary Development Plan shall be prepared by a licensed engineer or under the direct supervision of a licensed engineer, and shall include the following information:

a. Typical Plan elements, which include: title block; section-township-range; drawing scale; north arrow indicator; symbol legend; and the name, address and telephone number of the person preparing the Plan.

b. Site layout, including property boundaries, dimensions, area (in square feet or acres), adjoining street names and right-of-way widths.

c. Contour lines from the best available source, spot elevations or indications of direction and steepness of slopes, with the source clearly identified.

d. Drainage structures, including existing and proposed structures (pipes, catch basins, channels, ponds, irrigation ditches, etc.) and any existing impervious surfaces (parking lots, driveways, patios, buildings, etc.) General demand calculations shall be included for the major drainage facilities; the facilities shall be designed based on the maximum density and/or intensity of the proposed land uses.

e. Major basin boundaries and any proposed transfer of basins.

f. Natural features, including drainage channels, irrigation channels, water bodies, areas of natural vegetation and flood plains.

g. Development Engineering Manager.

(5) Land Use Plan. The design of a mixed use development is to occur in a comprehensive manner, where land uses complement and support one another and existing, surrounding land uses are appropriately buffered or proper transitions are planned. The Land Use Plan shall include, but is not limited to, the following elements:

a. Existing and proposed zoning districts and boundary lines;

b. Proposed land uses (i.e., principal uses), their location and their maximum intensity and/or density;

c. Surrounding land uses, located within one-half (½) mile of the boundaries of the proposed MU zone district area;

d. Type and layout of all major thoroughfares (i.e., arterials and collectors) and any major pedestrian and trail networks; and

e. Significant natural and manmade features on the site, such as streams, lakes, natural drainage ways, irrigation and other ditches, wooded areas and view corridors.

f. Where adjacent to or across a street from an existing land use, a notation describing the type of transition tool that will be used to act as a buffer or transition.

(d) Processing and Approval Procedure.

(1) Processing procedure. The processing procedure as set forth in Section 17-8-80 of this Code shall be followed for a MU zone district designation.

(2) Criteria for rezoning approval. In addition to the requirements of this Code, the criteria set forth in Section 17-8-80 shall be considered when reviewing a request for a MU zone district.

(3) Criteria for Preliminary Development Plan approval. The following criteria shall apply to the review of MU Preliminary Development Plans, utility and drainage plans:

a. General.

1. Is the proposed MU Preliminary Development Plan consistent with the Comprehensive Plan?

2. Is the proposed MU Preliminary Development Plan consistent with any City-approved master plans that apply to the site?

b. Mix of uses.

1. Are the mix and location of principal uses consistent with the intent and standards of the applicable MU zone district?

c. Access and circulation systems.

1. Do the major vehicular and pedestrian ways provide logical and convenient connections between proposed uses, and to existing or proposed uses located adjacent to the proposed MU center, and do they establish a high level of connectivity?

d. General utility infrastructure.

1. Do the general utility layouts and utility corridors meet the needs required by the proposed density and/or intensity of the proposed MU zone district?

e. On-site amenities and landscaping.

1. Are areas of unique or significant natural features integrated in the MU center?
- f. Consideration of context and transitions to adjacent areas.
 1. Do the proposed land uses, transitions and/or buffers ease the progression from more intense to less intense development?

(4) Final Development Plan review. If the City Council approves the Preliminary Development Plan, the utility plan and drainage plan, the MU zoning designation may be approved and adopted by the City Council and the applicant shall be required to subdivide the property in accordance with the City's Subdivision Regulations. The subdivision process shall be completed prior to or simultaneous with the submittal of a Final Development Plan. The Final Development Plan application requirements shall be substantially the same as those required for a Use-by-Right as set forth in Section 17-8-100, except that the applicant shall submit a site plan (i.e., Site Plan) containing all the elements required by this Section. Also, the Landscape Plan shall contain all of the elements as required by this Section. Lastly, the applicant shall submit a Lighting and Photometric Plan, Traffic Impact Study, Complete Engineering Plans, Utility Report, Phasing Plan with financial guarantee and any proposed Street Standards and Cross-Sections, along with any other materials reasonably required by the Planning Division.

- a. Site plan (sheet), including:
 1. Building footprints (with building height, square footage and uses denoted);
 2. Easements;
 3. Setbacks and distances between buildings;
 4. Parking lot layout and all applicable dimensions;
 5. Access points;
 6. Buffer yards and/or transitions;
 7. Adjacent streets and developments;
 8. Detention/retention areas;
 9. Signage (type, location, height, etc.);
 10. Provisions for ADA accessibility;
 11. Fencing (type, size, location, style, etc.);
 12. Provisions for trash (location, screening, materials, etc.); and
 13. Loading and unloading areas.
- b. Landscape Plan (sheet), including:

1. Total square foot area in landscaping (list area of perimeter, parking lot, other required landscaping and total landscaping area);

2. Planting schedule (Plant type – common and botanical name; amount of plants; caliper of deciduous trees; height of conifer trees and shrubs; spacing of proposed plantings; gallon sizes of shrubs and groundcover; physical specifications of plants; planting and staking drawings and details for deciduous and evergreen trees);

3. Building footprints;

4. Easements;

5. Parking lot layout;

6. Access points;

7. Buffer yards and/or transitions;

8. Adjacent streets and developments;

9. Detention/retention areas; and

10. Location of biofiltration areas (if applicable), along with a cross-section drawing of biofiltration areas if slopes contain landscape plantings.

c. Lighting plan and photometric plan (sheet), including:

1. Location of all proposed outdoor luminaires (including site, parking lot, parking canopies, walkways/ sidewalks, building-mounted, under-canopies, architectural, landscape, flagpole, external signage lighting, emergency outdoor lighting, etc.).

2. Fixture types/marks for all luminaires, along with a fixture schedule (including fixture type/mark, manufacturer, catalog/part number, luminaire and pole color/finish, lamp quantity per luminaire, lamp type, mounting height of the luminaire, etc.).

3. Photometric summary/statistics table (including titles for the various calculation grids; symbols for each grid; the average, maximum and minimum luminance; and the uniformity ratios for each grid).

4. Manufacturer cutsheets for all outdoor light fixtures.

5. Pole details for each type of pole light (including mounting height of the luminaires as measured from the fixture lens to the finished grade of the parking lot; fixture type of the luminaires mounted on the pole; colors/finishes of the luminaire and poles; and the finish of the concrete base).

d. Traffic impact study meeting the standards as set forth in the Public Works Standards and Specifications Manual, as may be amended.

e. Complete engineering plans meeting the standards as set forth in the Public Works Standards and Specifications Manual, as may be amended.

f. Utility report including a summary describing current utility infrastructure in the area of development. This summary shall include the age and condition of the infrastructure and any proposed modifications (including relocation and replacement). Capacity issues shall also be identified, including any impacts on existing infrastructure and how the development will mitigate those impacts. Utility services to new development may be capacity limited due to existing infrastructure.

g. Phasing plan.

1. Upon submittal of an FDP, the applicant shall include a phasing plan that describes and illustrates, in written and graphic format, implementation of the MU Final Development Plan and when development is anticipated to occur in multiple phases over time, subject to any expiration deadlines for approved plans. A phasing plan shall be a working document used to identify the sequence, timing and responsibility for construction of necessary utilities and infrastructure. This requirement shall be waived if a phasing plan has been approved by way of a development agreement as set forth in the Subdivision Regulations.

2. The phasing plan shall demonstrate how and when the project is to be incrementally developed. It shall show the phasing of principal uses, transition tools, pedestrian improvements, streets, utilities, drainage improvements, building areas, parking, and interim uses if any. It shall relate the development phases to infrastructure requirements for each phase. If a phased project allocates a disproportionate share of the mix of uses, or parks, open space, landscaping, recreational facilities or other common amenities to future phases, financial guarantees are required so that, if the future phases are not developed, a sufficient mix of uses and parks, open space, landscaping, recreational facilities or common amenities shall be guaranteed for the phases actually developed.

3. Financial guarantees shall be in the form of: a bond with sufficient sureties, an irrevocable letter of credit, escrow or recorded agreement by the mortgage holder, or other form acceptable to the City.

h. Street standards and cross-sections. All applications shall conform to the City's standards and cross-sections for streets, as set forth in the Public Works Standards and Specifications. The applicant may propose alternative street standards and cross-sections and submit such alternative standards for review and approval by the City. In either case, the application to establish a MU zone district shall include conceptual street cross-sections and standards. Right-of-way and pavement widths and street widths may be modified by the City in connection with the MU Final Development Plan review process where it is determined by the Director, Streets and Fleet Director and the Fire Chief that there is adequate width and separation in the applicant's proposal for vehicular, pedestrian and bicycle traffic; access for police and fire department and service vehicles is not substantially impaired; and adequate off-street parking has been provided for the uses. The applicant shall provide justification as to how the proposed street standards and cross-sections are better suited to the development than using the City's street standards and cross-sections. The street cross-sections shall denote, at a minimum, the following:

1. Total right-of-way.
2. Pavement width.
3. Number and width of travel lanes.
4. Medians and median widths.
5. On-street parking and parking width.
6. Maximum daily traffic volume projections.
7. Minimum horizontal radius.
8. Block length (minimum and maximum).
9. Tree lawn width.
10. Sidewalks and sidewalk widths.
11. Bike lanes and lane widths.
12. Functional classification (i.e., alley, local, collector, arterial, etc.).
13. Easement width and location.
14. Minimum setback to buildings.
15. Miscellaneous information that may be required by City staff.

(5) Final Development Plan approval. The following review criteria shall apply to Final Development Plans in the MU zone districts:

- a. Is the proposed Final Development Plan consistent with the Comprehensive Plan?
- b. Is the proposed Final Development Plan consistent with the intent and purposes of this Zoning Code?
- c. Does the proposed Final Development Plan implement the Preliminary Development Plan, if any?
- d. Does the proposed Final Development Plan implement the phasing plan, if any?
- e. Does the proposed Final Development Plan demonstrate how the applicable MU zone district purposes, requirements and standards are met?
- f. Does the proposed Final Development Plan demonstrate compliance with all elements set forth in the applicable Design Guidelines (i.e., residential, commercial, industrial and/or mixed use)?

g. Does the proposed MU Final Development plan comply with the Public Works Standards and Specifications, Subdivision Regulations, Zoning Regulations, CDS and/or RDS, as applicable?

h. If applicable, are the residential uses well integrated with other uses? For vertical mixing of uses, do the proposed housing types and densities assure activity and support of the mix of uses in the development?

i. Do open spaces serve as amenities and support transportation modes such as walking and bicycling?

j. Does the hierarchy of perimeter and internal streets disperse development-generated vehicular traffic to a variety of access points, discourage through traffic in adjacent residential neighborhoods and provide neighborhood access to on-site uses?

k. Are existing or proposed transit routes incorporated into the MU center through the location of appropriate transit facilities, and related pedestrian improvements?

l. Are automobile and bicycle parking areas located to support principal uses, minimize potential negative impacts on adjacent properties, discourage an exclusive automobile orientation and provide a safe environment for pedestrians, motorists, cyclists and transit users?

m. Do the general utility layout, proposed rights-of-way, utility corridors and easements show appropriate points of connection for water, wastewater, natural gas, electric and telecommunication utilities?

n. Is the capacity, age and condition of utility infrastructure sufficient to meet the needs of the MU center at build-out and, if not, have proper relocation, replacement or other modifications been shown?

o. Are the locations and related rights-of-way/easements properly located such that utilities are accessible for maintenance, repair, necessary expansion and/or replacement?

p. Do the general location and type of on-site amenities provide sufficient and desirable open spaces and other amenities, to create an inviting image, enhance the pedestrian environment and offer spaces for people to gather, interact and rest?

q. Do landscaping themes that relate to individual streetscapes, internal landscaping, parking lot landscaping and buffers contribute ecologically and aesthetically to the character of the MU center and support a pedestrian-friendly environment?

r. Does the lighting systems unify the development and is it compatible with and does it complement surrounding neighborhoods?

s. Are signage themes designed to unify the MU center?

(6) Approved Final Development Plan expiration. An approved Final Development Plan shall be valid for a period of time not to exceed one (1) year from the date of stamped and signed approval. If development of infrastructure or building permits have been issued for the mixed use

development, the final development plan shall remain in full force and effect. One (1) one-year extension may be issued by the Director, provided that a written request has been received prior to the expiration of the approved MU final development plan, and the Director has determined that no major changes in the City's development standards or changes in the development pattern of the site or surrounding properties has occurred. Thereafter, no further extensions may be granted without re-submittal, review and approval pursuant to this Code.

(7) Appeal of a Final Development Plan. Final decisions are appealable to the City Council if presented within thirty (30) days from the date of such decision.

(e) MU Zone District Designations.

(1) MU-NC Mixed Use Neighborhood Center.

a. Purpose. This District is intended to accommodate development of neighborhood centers. Neighborhood centers are intended to be small, low impact, limited use centers. They are typically pedestrian and bicycle-oriented, with limited automobile access and parking. Neighborhood centers are generally well-integrated into the fabric of the surrounding residential area. They are intended to serve as an amenity for residents of the immediate neighborhood and support a variety of uses.

b. Function. Neighborhood centers should generally include a limited range of convenience goods and services in keeping with the character and scale of the surrounding neighborhood. Primary uses generally include a limited mix of small-scale neighborhood-serving retail, office, service, civic and attached residential uses. Neighborhood centers may also include establishments such as medical offices, beauty shops and restaurants. Auto-related uses or other uses that produce noxious fumes or excessive light and noise are prohibited within a neighborhood center. Appropriate residential types may include second floor units located above retail uses, and townhouses. Drive-up and drive-through uses are excluded.

c. Location. The location of a proposed neighborhood center MU-NC District should take advantage of daily activity patterns, such as at the corner of a resident collector street, at the entrance to a neighborhood or in conjunction with a park, school, civic use or public space. To serve its purposes, the MU-NC District should be sited at the edges of a residential neighborhood, at a collector and arterial street intersection or at a collector and local street intersection.

(2) MU-CC Mixed Use Commercial Center.

a. Purpose. This District is intended to accommodate development of commercial centers. Commercial centers are activity centers that may vary in size and service area. They can serve several neighborhoods within a surrounding residential area with a mix of retail, office, service, civic and attached residential uses, or they can accommodate large retail establishments and serve a number of residential areas and neighborhoods over a significant portion of the City.

b. Function.

1. Small commercial centers range between ten (10) and thirty (30) acres in size. They are typically anchored by a grocery store, with supporting establishments, including but not limited to variety, drug and hardware stores, and establishments such as medical offices, beauty shops and restaurants. Secondary uses include other supporting, neighborhood-oriented uses such as schools, small offices, day care, parks and civic facilities, as well as residential uses. Appropriate residential types may include second floor units located above retail uses, townhouses and small lot, single-family detached homes. The integration of residential uses helps to assure extended hours of activity within the District and support a mix of uses. The District balances automobile access from arterial streets with transit orientation, pedestrian and bicycle access and circulation, and provides good transitions and connectivity with the surrounding neighborhoods.

2. Large commercial centers are typically greater than thirty (30) acres in size and include a mix of commercial with supporting office, service, medical, residential and civic uses. Uses generally include large-scale retail uses that provide major durable goods shopping, restaurants and services to multiple residential areas. A variety of integrated uses should be provided, including concentrated office, research and development, institutional and civic uses. Supporting uses include residential, service, entertainment, eating and drinking establishments and medical uses. Higher density residential is also a critical component of the large commercial center. Activities and uses should be concentrated and mixed in order to create more diversity and synergy between uses, combine destinations, support more effective transit service, and provide viable pedestrian and bicycle access and circulation. Mobility choices should be integrated by providing transit, pedestrian and bicycle connectivity within the center, as well as to adjoining areas. Aging single or limited-use local commercial centers and corridors are encouraged to be redeveloped as MU commercial centers under this zone.

c. Location.

1. In general, the location of MU-CC Districts should balance automobile access from arterial and collector streets with transit orientation and pedestrian and bicycle access and circulation, and provide good vehicle and pedestrian connectivity to surrounding residential areas.

2. Small MU-CC Districts shall be distributed to serve multiple neighborhoods with access from arterial and collector streets. Large MU-CC Districts shall be located to serve significant sub areas of the City with access from major arterials or expressways.

(3) MU-R/EC Mixed Use Regional/ Employment Center.

a. Purpose. This District is intended to accommodate development of regional/ employment centers. The regional/ employment district is for large, intensive activity centers that combine the uses of commercial centers and employment centers and serve the City and region as a whole. The MU-R/EC District should be utilized for significant mutually supportive combinations of commercial and employment activities. Because of their size, both sets of activities function as regional centers in terms of market for retail and employment opportunities.

b. Function.

1. Uses within a MU-R/EC District should include a mix of commercial and employment uses integrated in a supportive regional destination. These uses may range from regional mall anchor stores, government offices and corporate headquarters to specialty retail and higher density housing. They may also include research and development uses, major service and office center complexes and major educational facilities, as well as warehousing and industrial uses. Supporting uses may include restaurants, hotels, entertainment, childcare, civic activities, business services, lodging for business travelers and multi-family residential uses if part of an overall planned development. Higher density residential use is also a critical component of a regional/employment center in order to assure extended hours of activity within the District and provide support for a mix of uses.

2. As with the large commercial centers, activities and uses should be concentrated and mixed in order to create more diversity and synergy among uses, combine destinations, support more effective transit service, and provide viable pedestrian and bicycle access and circulation. Mobility choices should be integrated by providing transit, pedestrian and bicycle connectivity within the center as well as to adjoining areas.

c. Location. An MU-R/EC District should typically be located at the intersection of two (2) major arterial streets, along major arterial roads, along the City's planned transit system, near other major regional transit terminals, or in close proximity to limited access freeways and interstate highways. Concentrated employment activities should be located within MU-R/EC Districts whenever possible. Sites with direct access to existing or planned major transportation facilities and compatibility with adjacent land uses are appropriate for the MU-R/EC District.

(f) Dimensional Standards for MU Zone Districts.

(1) Introduction. The following table (Table 1) lists the dimensional standards for the MU zone districts. These standards include the minimum and maximum district size, minimum lot area and maximum building height. Table 2 sets forth the applicable build-to lines, of which the concept is depicted in Figure 1. Other dimensional standards that apply to landscaping, parking, signs, fences, lighting and preservation areas in the MU zone districts are listed in Article 17-50, Division 2, of this Code.

Figure 1
Build-To Lines

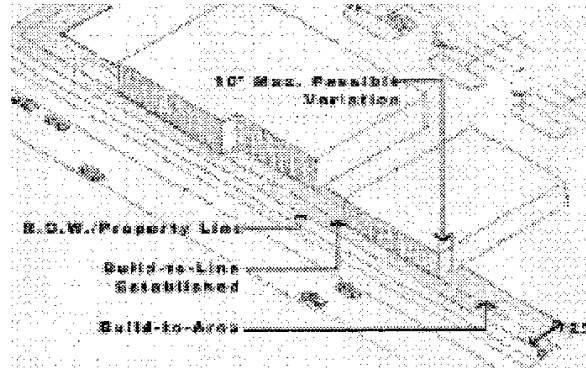


Table 1
Dimensional Standards for Mixed Use Zones

MU-NC	MU-CC	MU-R/EC	Notes/Additional Regulations
District Size			
Minimum District Size			
0.5 acres	10 acres	50 acres	
Maximum District Size			
10 acres	None	None	
Minimum District-Wide Average Floor Area Ratio (FAR)			
None	0.20	0.20	<p>Calculation: FAR is calculated as an average across the entire zone district proposed by the applicant. FAR shall be calculated based on the gross land area in the proposed district measured from adjacent street center lines.</p> <p>Administrative Relief: May be reduced to a minimum of .18 FAR based on physical site constraints of topography, natural drainage and the preservation of significant natural features.</p> <p>Maximum FAR: No maximums.</p>
Minimum Residential Density			
None	5 dwelling units per acre	5 dwelling units per acre	<p>Calculation: Residential density shall be measured as an average over the gross land area of only the residential portion of the planned site or zone district proposed by the applicant.</p> <p>Exemption: Subject to the mix of use requirements in Paragraph (g)(8) below, when residential uses in a mixed-use center are all contained in vertical mixed-use buildings, the development may be exempt from this minimum residential density requirement.</p> <p>Credit for Residential Density in Vertical Mixed-Use Buildings: Subject to the mix of use requirements in Paragraph (g)(8) below, when an activity center contains land area devoted to residential uses in single-purpose buildings, any additional residential dwelling units contained in vertical mixed-use buildings within the Mixed-Use Center may be credited toward meeting this minimum residential density requirement.</p>
Maximum Building Height			
35 ft. ¹	45 ft. ^{1,2,3}	75 ft. ^{2,3}	<p>¹ If the development is within the infill boundary area, the maximum building height shall not exceed 125% of the average height of buildings located on the same and facing block faces.</p> <p>² To provide a sensitive transition between land uses of different intensities, any portion of a building within a mixed-use zone district located within 100 feet of a single-family or two-family dwelling shall not exceed 40 feet in height.</p> <p>³ Additional height may be allowed when a parking structure is integrated into the design of a building housing a principal use, as set forth in Article 17-50, Mixed Use Design Standards.</p>

Table 2
Front Building-to-Lines (by Street Type)

NOTE: These standards apply only to mixed-use areas with vertical mixing of uses. These standards are based on the use of the City's street cross-sections. If the applicant pursues alternate cross-sections, the setbacks will be determined simultaneously with approval of the alternate street cross-sections subject to the approval by the Development Engineering Manager in consultation with the Streets and Fleet Director and the Director.

<i>Standards</i>	<i>MU-NC</i>	<i>MU-CC</i>	<i>MU-R/ED</i>	<i>Notes/Additional Regulations</i>
Perimeter or Internal Streets				
Major Arterial	Minimum: 0 ft. ¹ Maximum: 25 ft. ¹			The maximum front build-to line requirements shall apply to both sides of a corner lot site.
Minor Arterial	Minimum: 0 ft. ¹ Maximum: 25 ft. ¹			The maximum front build-to line applies to principal and accessory buildings and structures, but not including off-street parking lots/areas or entryway features or signage.
Collector	Minimum: 0 ft. Maximum: (no residential on ground floor) 5 ft. Maximum: (residential on ground floor) 15 ft.			For arterial streets, the build-to line for the entire length of the street frontage along the proposed zone district shall be set within the 0-foot to 25-foot build-to area. The primary facade of each building may vary up to a maximum of 10 feet behind the build-to line, but shall not extend beyond the maximum 25-foot build-to area.
Entry/Spine	Minimum: 0 ft. Maximum: (no residential on ground floor) 5 ft. Maximum: (residential on ground floor) 10 ft.			For perimeter arterial street frontages that form the boundary of a mixed use zone district, if 50% or more of the entire length of the street frontage along the proposed zone district is occupied by building wall, then the edge of the parking areas, including screening walls, adjacent to the buildings may be pulled up to within 4 feet of the building facade (see Figure 2). If less than 50% of the entire length of the street frontage along the proposed zone district is occupied by building wall, then the edge of the parking areas, including screening walls, adjacent to the buildings must be set at the maximum 25-foot build-to line (see Figure 3).
Local	Minimum: 0 ft. Maximum: (no residential on ground floor) 5 ft. Maximum: (residential on ground floor) 10 ft.			The maximum front build-to line requirements shall apply only to the lower 30 feet or first 2 stories, whichever is less, of a building, and higher portions of the building may be stepped back further from the front property line.
Minimum Building Separation on Alleys	Minimum 20 ft. building-face-to-building-face separation across width of alley (for non-fire department required access) Minimum 30 ft. building-face-to-building-face separation across width of alley (for fire department required access)			To encourage pedestrian-friendly streets by bringing buildings close to pedestrian sidewalks and ways, the City requires principal nonresidential buildings to be built to the back edge of the public sidewalk (0-foot build-to line), except as necessary to allow room for outdoor seating and service areas, outdoor sales and displays, landscaping, emphasized entryways integral to the building design and similar pedestrian and customer amenities. The build-to area between the front property line and the front building wall of residential structures may be used to provide space for privacy, landscaping, private courtyards/open area, emphasized entryways integral to the building design and similar residential amenities.

¹ Residential is not allowed on ground floors when located along major or minor arterial streets.

Figure 2
Parking With 50% or More Building Frontage

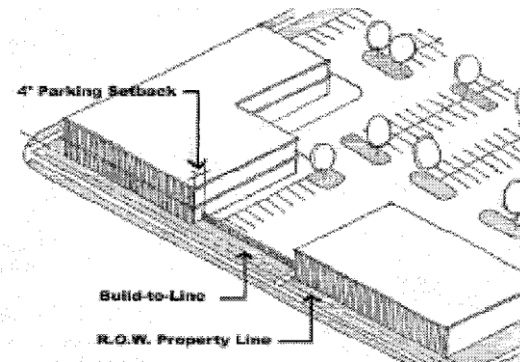
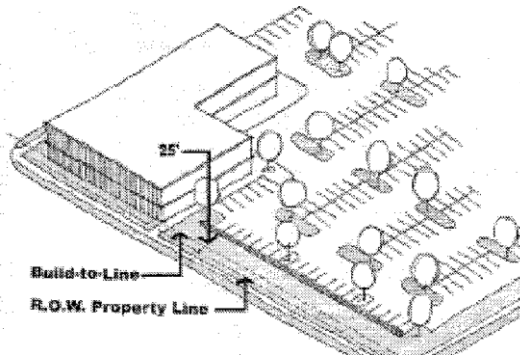


Figure 3
Parking With Less Than 50% Building Frontage



**Table 2B
Setbacks (by Street Type)**

NOTE: These standards shall apply to mixed-use areas with horizontal mixing of uses. These standards are based on the use of the City's street cross-sections. If the applicant pursues alternate cross-sections, the setbacks will be determined simultaneously with approval of the alternate street cross-sections and subject to approval by the Development Engineering Manager in consultation with the Streets and Fleet Director and the Director.

Standards	MU-NC	MU-CC	MU-R/ED	Notes/Additional Regulations
Perimeter or Internal Streets				
Major Arterial	Minimum: 15 ft. Maximum: 50 ft.			<p>The maximum front setback applies to principal structures, but not including off-street parking lots/areas or entryway features or signage.</p> <p>For arterial streets, the setback for the entire length of the street frontage along the proposed zone district shall be set within the 10-foot or 15-foot (dependent on the type of arterial street) to 50-foot setback area. The primary facade of each building may vary up to a maximum of 10 feet behind the setback line, but shall not extend beyond the maximum 50-foot setback.</p> <p>In residential areas, all driveways shall maintain an 18-foot setback from the back-of-walk to the garage door.</p> <p>In residential areas built with a 10-foot minimum separation, the 10 feet shall be free of any cantilevers, fireplaces/chimneys and bay windows. Fences are not included.</p>
Minor Arterial	Minimum: 10 ft. Maximum: 50 ft.			
Collector	Minimum: 10 ft. Maximum: 25 ft.			
Entry/spine	Minimum: 10 ft. Maximum: 20 ft.			
Local	<p>In areas with attached sidewalks: Minimum: 10 ft. Maximum: 20 ft.</p> <p>In areas with detached sidewalks: Minimum: 8 ft. Maximum 20 ft.</p>			
Minimum Building Separation	<p>Commercial: 10 ft.</p> <p>Industrial: 10 ft. (or more if determined necessary by the Building Department or Fire District)</p> <p>Single-family attached or detached residential: 20 ft.</p> <p>Multi-family: 10 ft.</p>			

(g) Additional Standards for Specific Land Uses.

(1) Access to components in a vertical MU building. Separate pedestrian access and entrances shall be provided for the different uses within a vertical MU building.

(2) Accessory dwelling units. Accessory dwelling units are allowed in any MU zone district as an accessory use to a principal single-family detached, duplex and townhouse dwelling.

(3) Automobile service and repair. This use shall meet the following conditions:

- a. All work is done within an enclosed building;
- b. Outside storage of automotive parts or junk vehicles is prohibited; and

c. The nearest point of the building in which the activity occurs is more than one hundred (100) feet from the boundary of a residential district or use measured in a straight line.

(4) Live-work units: Live-work units are subject to the following standards:

a. Multiple live-work units may occur in one (1) structure.

b. On-premises signs are limited to no more than two (2) nonanimated, nonilluminated wall or window signs collectively not exceeding four (4) square feet in total area.

(5) Outdoor storage. In the MU-NC District, outdoor storage of any materials related to nonresidential uses is prohibited. In the MU-CC and MU-R/EC Districts, outdoor storage is allowed as an accessory use to a nonresidential use if it is enclosed on all sides by a screening wall or solid fence which is at least six (6) feet in height. In no event shall materials be stacked or stored to exceed the height of the screening fence or wall.

(6) Size limits on individual uses in the MU-NC District. In order to minimize the impact of nonresidential uses within a MU-NC District on the surrounding residential neighborhood, the specific uses subject to this provision, as shown in Article 17-32, the Table of Uses, may not exceed five thousand (5,000) square feet in gross floor area in any single building.

(7) Veterinary clinics, pet daycare and groomers. All activities must be conducted within a totally and permanently enclosed, soundproofed building and are restricted to small animal care. The boarding of animals overnight shall only be allowed at veterinary clinics due to the animal's medical condition and associated treatment.

(8) Required mix of uses. To ensure a balance between housing, retail, office, parks, open space and other permitted development within the MU zone districts, the following standards as listed in Table 3 shall apply.

Table 3
Required Mix of Uses

<i>Standard</i>	<i>Mixed Use Zone District</i>			
	<i>MU-NC</i>	<i>MU-CC <30 acres</i>	<i>MU-CC 30+ acres</i>	<i>MU-R/EC</i>
Minimum Number of Principal Use Types ^{2,3}	2	3	3	3
Residential Use Required as Part of Mix?	Yes	Yes	Yes	Yes
Minimum Percentage Total Gross District-Wide Acreage for Residential Use ^{1,2}	5% ⁴	5%	10%	10%
Maximum Percentage Total Gross District-Wide Acreage Occupied by a Single Use Type	90%	80%	80%	80%

¹ Credit for Residential Units in a Vertical Mixed-Use Building: Credit for residential units in a vertical MU building: As applicable, the total acreage of a site developed with a vertical MU building containing multi-family dwelling units above the first floor may be credited toward meeting this minimum 10% standard.

² Substitution of Adjacent Residential Uses: As applicable, existing residential and approved, but not yet constructed, residential subdivisions immediately adjacent to an MU zone district that meet the same standards for minimum density

and vehicular, pedestrian and bicycle connectivity as residential uses within the zone district and are within at least one-quarter mile distance from the boundary of the zone district, may be credited toward meeting the required residential use and minimum percentage standard, if sufficient justification is provided by the applicant.

³ Principal use types are defined as the following: 1) Commercial, 2) Industrial, 3) Public Land, 4) Parks and/or Open space, and 5) Residential.

⁴ Minimum percentage may be met by substitution of existing residential uses as set forth in Note 2 above.

(Ord. 1964, 2008; Ord. 2060 §3, 2010)

Sec. 17-16-110. PUD – Planned Unit Development Overlay Zoning District.

(a) General Provisions.

(1) Purpose.

a. The Planned Unit Development (PUD) District is intended to provide the means and the guidelines through which tracts of land are developed through a PUD Final Development Plan ("PUD/ FDP", "PUD Plan") which integrates the land uses and site considerations for the land as a unit, rather than the traditional standard treatment of land uses in other so-called Euclidian districts in this Code. It is intended to reflect maximum design freedom to make the best use of topography and land features and to permit the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes and the variation of setback and bulk restrictions; to provide for diversification and flexibility in housing types, housing prices and overall design; to encourage innovative development of smaller parcels of land that have been passed over; to encourage mixed-use developments, including uses such as residential, office and commercial; and to encourage higher quality development than possible under traditional standard zoning regulations. Through the Planned Unit Development process, it is the intent that property will be developed with a unified design providing continuity between and among the various elements. However, the PUD process is not intended as a device to circumvent general development regulations, standards and good planning practice.

b. Land uses listed as permitted on a PUD zoning document shall be subject to further review, adjustment or modification, including elimination of particular uses, as part of the City's review and approval of a PUD Final Development Plan for the property, the site specific information provided as part of the PUD Final Development Plan, including but not limited to architectural and aesthetic considerations, traffic, drainage, utility demands, heights, bulk, setbacks, common space and landscaping. Final land uses within a Planned Unit Development shall be as shown on the PUD Final Development Plan for the property.

(2) Function. Once approved, the PUD functions as an overlay district over the existing, underlying zoning district. As an overlay district, the PUD District will typically impose additional requirements above that required by the underlying zone.

(3) Control and governing regulations.

a. PUD plan approval required. No building permit or certificate of occupancy shall be issued in a PUD Overlay Zoning District without prior approval of a PUD plan by the City

Council after review by the Planning Commission, as set forth in Subsection (d) of this Section.

b. Control. An approved PUD plan shall be binding upon the owners of the land, their heirs, successors and assigns. The PUD plan shall limit and control the issuance and validity of all building permits and certificates of occupancy, and shall restrict and limit the construction, location, design, use and operation of all land and buildings included within the plan to all conditions and limitations set forth in the PUD plan.

c. Governing regulations.

1. Development in a PUD District shall be subject to all applicable zoning, development, design and subdivision regulations set forth in this Article, the Subdivision Regulations, the Residential Design Standards and other City codes and ordinances related to land development, unless otherwise waived or modified by the City Council in the terms of the approved PUD plan.

2. In case of any conflict between a specific use or development regulation set forth in this Section and any other regulation set forth in the underlying zoning district, this Article, the Subdivision Regulations and other City codes and ordinances related to land development, the regulation in this Section shall apply unless otherwise expressly allowed.

(4) Consistency with Comprehensive Plan. All PUD plans shall be consistent with the intent and specific objectives of the Comprehensive Plan, comply with all Growth Management Programs, including Pacing and other policies or plans related to growth and development of the City.

(b) Allowed Uses in PUD Overlay Zoning District.

(1) PUD-R District. Any permitted, conditional or accessory residential uses allowed in the standard residential zoning districts R-1A, R-1B, R-1, R-2, R-3, OSR, RM, RH and MH shall be allowed in a "PUD-R" overlay zoning district.

(2) PUD-C/I District. Any permitted, conditional or accessory commercial or industrial uses allowed in the standard zoning districts C-1, C-2, C-3, C-O, OSC and I-1 shall be allowed in a "PUD-C/I" overlay zoning district.

(3) PUD-MU. A mix of uses from the standard residential, commercial or industrial districts listed in Paragraphs (1) and (2) above shall be allowed in a "PUD-MU" Overlay Zoning District, provided that residential development adjacent to commercial or industrial uses in the PUD shall be adequately buffered from potential conflicts in use.

(4) Other uses. The City Council may expressly allow any other supporting uses as part of the approved PUD plan. Similarly, the City Council may expressly limit or prohibit certain uses, including uses that may otherwise be allowed in the underlying zoning district, as part of the approved PUD plan.

(c) PUD Development Standards Applicable to All PUD Overlay Zoning Districts.

(1) Applicability. The development standards set forth in this Subsection shall apply to all development in a PUD Overlay Zoning District, unless otherwise waived by the City Council or expressly exempted by this Article.

(2) Minimum size. Except as set forth in this Subsection or as waived by the City Council pursuant to Subparagraph b. below, a PUD District shall contain a minimum of five (5) contiguous acres of land.

a. There shall be no minimum size for a PUD-MU District.

b. The City Council may waive the five-acre minimum size requirement based on a finding that creative site planning through use of a PUD is necessary for the subject site in order to address a peculiar drainage pattern or to protect sensitive natural areas, and where more conventional development or subdivision would be difficult or undesirable.

(3) Clustering encouraged. As set forth in Section 17-44-130 of the Residential Design Standards, clustering of dwelling units, commercial and industrial use is strongly encouraged, provided that buffer yards, open space and emergency access are adequately planned. Buffer yards shall be required to separate different uses in order to eliminate or minimize potential interference and nuisances on adjacent properties. The size of the buffer yard shall be determined through the PUD review process, based on its ability to achieve appropriate separation.

(4) Open space.

a. Compliance with zoning and residential design standards. All residential development in a PUD Overlay Zoning District shall comply with applicable public park, trails, greenbelt or open space dedication or in-lieu fee requirements set forth in this Article, the Residential Design Standards and other applicable City codes.

b. Exemptions. This provision shall not apply to PUDs located in the Brighton Downtown, as defined in the Comprehensive Plan.

c. Minimum requirements. In addition to the above requirements, all development in a PUD Overlay Zone District shall provide some open space within the development for the use and enjoyment of residents, employees and users in accordance with the following schedule:

<i>PUD District</i>	<i>Minimum Open Space (Gross Land Area)</i>
PUD-R Overlay District (all residential uses)	Residential design standards apply
PUC-C/I Overlay District (all nonresidential uses)	10%
PUD-MU (mix of residential and/or nonresidential uses)	15%

d. Design criteria and standards. All such open space in a PUD District shall comply with the standards set forth in Section 17-40-310, as well as any other applicable City codes.

(5) Density/intensity.

a. General rule. Density and intensity of development in a PUD Overlay Zoning District shall be allowed to obtain the maximum density permitted for the particular use in the underlying zoning district, unless otherwise waived pursuant to this Paragraph's allowance for density increases or as modified by the City Council.

b. Density increases: General provisions.

1. Combination with other bonuses. Unless otherwise expressly stated, the density increases as specified in the following Subsections may be combined, provided that the total cumulative density bonus shall not exceed the maximum density allowed, as set forth in Subparagraph a. above, by more than forty percent (40%).

2. No guarantee of density. The provisions of this Subsection shall not be interpreted as guarantees of achievable density. Density increases may be allowed at the City Council's sole discretion. PUD developments using bonus provisions shall be subject to all other applicable regulations of this Article and other applicable City land development regulations, including the Residential Design Standards. These other regulations, or site-specific conditions, may prevent maximum bonus density levels from being achieved due to the character of the land or surrounding uses. Percentages of the total allowable density increase may be permitted by the City Council for partial fulfillment of a requirement.

c. Density increases for parks or open space. An increase in density, not to exceed twenty-five percent (25%), may be granted for dedicating or preserving additional parks, greenbelts, trails or other open space in an amount greater than this Article or the Residential Design Standards otherwise require, as follows:

1. Develop and dedicate an additional four (4) or more acres of neighborhood and/or community parks per projected one thousand (1,000) population; or

2. Develop and dedicate an additional five (5) or more acres of lands for community greenbelts or trails per projected one thousand (1,000) population; or

3. Preserve an additional ten percent (10%) or more of gross land area for primary open space. Such dedication shall entitle the developer to a waiver of the Residential Design Standards for blocks and lots.

d. Density increases for preservation of open space on noncontiguous parcels. If an applicant owns land subject to an approved conservation easement or other similar deed restriction limiting future development, the City Council may allow the transfer of residential density from such restricted land to the subject PUD Overlay Zoning District. The density on the restricted land shall be calculated assuming such land would be developed under the maximum density limits of the R-1 standard zoning district.

(6) Placement of structures.

a. All required setback lines, minimum lot size and variation in lot area standards shall be determined by the City Council at the time a PUD plan is reviewed. The dimensional standards governing the placement of structures in the underlying zoning district shall be used as the starting point for such determination.

b. Every principal structure shall have access to a public or private street, court, walkway or other area intended for public use.

c. The building envelope of all structures, other than single-family detached dwellings, shall be shown on the PUD plan unless this requirement is waived by the City Council by requiring that site plans for structures be submitted to the Planning Commission for approval prior to issuance of building permits.

(7) PUD perimeter screening. Fences, walls or vegetative screening shall be installed along the border of the entire PUD where needed to provide separation between any adjacent portion of the community greenbelt, or to protect residents from undesirable views, lighting, noise or other off-site influences, or to protect occupants of adjoining residential districts from similar adverse influences from within the PUD. Screening requirements may be waived where terrain makes protection against overview unfeasible or unnecessary. Where screening is required, the following areas, in particular, shall be screened:

a. Parking areas containing more than ten (10) spaces; and

b. Service areas for loading and unloading vehicles other than passenger vehicles and for storage and collection of trash and garbage.

(8) Street standards and modifications. The design of public streets within a PUD shall comply with all applicable City design standards and specifications. Modification of existing City standards of design and construction may be allowed, as approved by the City Council, after recommendation by the Public Works Director, Director, Fire Chief and Police Chief. Right-of-way and pavement widths and street widths may be reduced through the PUD review process where it is found that:

a. The development plan for the PUD provides for separation of vehicular, pedestrian and bicycle traffic;

b. Access for police and fire department and service vehicles is not substantially impaired; and

c. Adequate off-street parking has been provided for the uses proposed.

(d) Administrative procedures.

(1) PUD as an Overlay Zoning District. A PUD Zoning District may be established only as an overlay on property to be concurrently zoned or already zoned as a standard residential, commercial or industrial zoning district. An approved PUD District is a condition precedent to a request for approval of a PUD Final Development Plan.

a. If no change in the underlying standard zone district is desired, a request for PUD District classification and PUD Final Development Plan shall be processed according to the procedures set forth in Paragraph (2) below.

b. Alternately, a request for a PUD District classification or PUD Final Development Plan may be processed concurrently with a request to rezone to a standard zoning district or with a request for initial zoning upon annexation. When a request for a PUD District classification is made concurrently with a request for a zone change or initial zoning at annexation, the application shall be reviewed with the zone change application or annexation application according to the Zone Change Procedure set forth in Section 17-8-80.

c. At the discretion of the Director, a PUD Final Development Plan may be reviewed and processed administratively by City staff, and approved in writing by the Director provided that such Plan contains more than fifty percent (50%) of commercial, industrial or other nonresidential development, based on the total building square footage within the proposed project, not including parks, open space, public land rights-of-way, landscaped areas, parking, etc. The Director's written decision may be appealed to the City Council within thirty (30) days thereafter, and if so appealed, the Plan shall be presented to and decided by the City Council in accordance with the procedures set forth in Paragraph (2) below, and otherwise pursuant to this Section.

d. In all cases, when considering a PUD Zoning District classification or PUD Final Development Plan, the Planning Commission, City Council, Director and City staff shall apply the review criteria set forth in Paragraph (4) below.

(2) PUD plan review procedures.

a. Step 1: Preapplication conference with City staff. Feasibility of the project, specific problems/issues and detailed procedural requirements shall be discussed.

b. Step 2: Optional concept plan or ODP submittal.

1. At the applicant's option, a conceptual PUD plan may be reviewed by the Planning Commission without public notice. A PUD concept plan represents a generalized land use/site plan for the area proposed to be within a PUD District. It is an optional step that allows early, informal evaluation of a proposed PUD District before detailed planning and engineering work has been undertaken and before substantial expenses have been incurred. Submittal requirements for a PUD concept plan shall not constitute an application for purposes of Section 24-68-101, et seq., C.R.S., or Article 16-40 of the Brighton Municipal Code.

2. Alternately, an applicant may submit an Overall Development Plan pursuant to Section 17-44-340 of the Residential Design Standards to the City Council for review and final action prior to submitting a more detailed PUD plan.

c. Step 3: PUD Plan submittal. Application, supporting material, processing fee and PUD plan are submitted to the Planning Division for review by City staff.

d. PUD concurrent with subdivision. For PUD developments that will require subdivision or resubdivision, the standard subdivision review and approval procedure shall be followed. The Development Review Committee may review the subdivision plat during this step, provided that all requirements pertaining to each procedure are submitted. Processing of a subdivision plat simultaneously with a PUD plan may be required by City staff if it is not practical to separate the two (2) procedures.

e. Step 4: Post-application conference with City staff. Staff comments resulting from the Development Review Committee of the PUD plan and plat, if applicable, shall be discussed with the applicant within four (4) weeks after the Development Review Committee has reviewed a complete application.

f. Step 5: Revised PUD Plan submittal. Revised PUD plan and supporting material is submitted. At the applicant's option, the PUD plan and supporting material may be revised in full or in part to reflect City staff comments. Where the applicant selects not to make revisions recommended by staff, a letter with detailed justification shall be submitted with the formal application. Hearings will be scheduled only after the plans have been revised and the submittal is determined to be complete.

g. Step 6: Planning Commission hearing. The PUD District and PUD Final Development Plan and supporting material, and City staff comments which are not reflected in the revisions discussed above, are presented to the Planning Commission for review. The Planning Commission shall hold a public hearing on the proposed application and, at the close of the public hearing, make a recommendation to approve, deny or approve with conditions to the City Council in the form of a resolution, based on the approval criteria of Paragraph (4) below. The Planning Commission may request that additional material be submitted to enable thorough consideration of the application or may take the request under advisement until the next regularly scheduled Planning Commission meeting.

h. Step 7: City Council hearing. The PUD District and PUD Final Development Plan and supporting material, Planning Commission resolution and City staff comments that have not been addressed are presented to the City Council for review. At the close of all required public hearings, the City Council shall act to approve, approve with conditions or deny the proposed PUD Final Development Plan, based on the approval criteria of Paragraph (4) below.

(3) Scope of authority. The Planning Commission may recommend, and the City Council may impose, reasonable conditions on approval of a PUD plan and request for PUD District classification. Such conditions may include, but shall not be limited to:

a. Reduction in the number and type of uses allowed in the PUD District.

b. Required review at the end of a specified period of time to determine if construction has commenced. See also Paragraph (8) below.

(4) Approval criteria. A PUD plan and classification to a PUD District may be approved only if the City Council finds that all of the following criteria have been met:

a. The PUD addresses a unique situation, confers a substantial benefit to the City or incorporates creative site design such that it achieves the purposes set out in Paragraph (a)(1) above, and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. This may include but is not limited to improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads and other utilities and services; or increased choice of living and housing environments.

b. The PUD complies with the Comprehensive Plan and all applicable use, development and design standards set forth in this Article, including applicable zoning district standards, in the Subdivision Regulations and in the Residential Design Standards that are not otherwise modified or waived according to the approved terms of the PUD plan.

c. The PUD District and PUD Final Development Plan shall comply with all applicable PUD use and development standards set forth in this Section.

d. The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails and similar features.

e. To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community.

f. Sufficient public safety, transportation, educational and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development.

g. As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure capacity, marketing and financing.

h. The same development could not be accomplished through the use of other techniques, such as height exceptions, variances or minor modifications.

i. The applicant has submitted a schedule of development and agrees to the schedule subject to the revocation and withdrawal clauses of this Section.

(5) Public notice. Prior to Planning Commission and/or City Council review, the Community Development Department shall provide public notice of the pending action. Notice shall be published in a local newspaper or on a publicly accessible web page, posted on the affected property and mailed to adjoining property owners as set forth in Paragraph 17-40-200(2) of this Code.

(6) Zone change adoption by ordinance.

a. Classification to a PUD Overlay Zoning District shall be considered amendments to the Official Zoning Map and shall be finally approved in the form of ordinances.

b. The City shall not amend the Official Zoning Map until the applicant has agreed to the PUD Plan as approved, recorded all related plats and agreements and complied with any other conditions imposed by City Council.

(7) Acceptance of approvals and revocation.

a. Within one hundred eighty (180) days of the City Council's final action on a PUD plan, the applicant shall sign and return a letter of acceptance detailing the conditions of approval.

b. If the applicant fails to sign and return the letter of acceptance within the one-hundred-eighty-day period, a notice to consider revocation shall be sent to the applicant and a City Council hearing scheduled to consider revocation of the PUD plan and PUD District classification approval.

c. Within one hundred eighty (180) days of the City Council's final action on a PUD plan, the applicant shall sign and return the appropriate size Mylars of the approved PUD plan as required by City staff. If the applicant fails to take such action in the one-hundred-eighty-day period, a notice to consider revocation shall be sent to the applicant and a City Council hearing scheduled to consider revocation of the PUD plan and PUD District classification approval.

(8) Withdrawal of decision. If the applicant is responsible for a delay of more than six (6) months between Planning Commission and City Council review, the Planning Commission's previous decision shall be subject to withdrawal. In the event that the Planning Commission determines that the conditions in support of the decision have changed, the applicant may request reconsideration of the original PUD plan or may prepare a new PUD plan. In either case, the complete PUD plan review procedure shall apply.

(9) Recording required. Upon approval, the PUD plan and related material shall be filed in the permanent records of the applicable County Clerk and Recorder.

(10) Effect of approval.

a. If a building permit has not been issued or if construction has not begun which pertains to an approved PUD plan within three (3) years from the date of final approval, the Planning Commission shall review the case to determine if the conditions in support of approval have changed. In the event that the Planning Commission determines that the conditions have changed, prior approval of the PUD plan shall be re-evaluated. If this action is taken, the applicant may request reconsideration of the original PUD plan or may prepare a new PUD plan. In either case, the complete PUD plan review procedure shall apply. This provision shall be applicable to each subsequent three-year period following original approval or confirmation of approval.

b. When the PUD property is also subject to preliminary subdivision plat approval, an approved PUD plan shall lapse and be of no further force and effect if a complete final subdivision plat application for the development, or a phase of the development, has not been submitted within the timeframe established by the City Council at the time of PUD plan and preliminary subdivision plat approval.

c. If a PUD plan lapses pursuant to this Paragraph, the uses and standards applicable in the underlying zoning district shall apply.

(11) Final plat submission. Final subdivision plats for lands in an approved PUD District shall be submitted in accordance with Section 17-40-210 of this Code, and shall be submitted directly to the City Council if the City staff finds that the plat conforms to the approved PUD plan. If City staff finds that the final plat does not conform to the approved PUD plan, the plat shall first be reviewed by the Planning Commission who shall recommend action to the City Council.

(12) Amending an approved PUD plan.

a. City staff and the Director may approve minor alterations to a PUD Final Development Plan without review by the Planning Commission or City Council if the alterations do not affect the overall character of the development and if the alterations are in full compliance or greater compliance with all applicable provisions of this Article and other applicable codes and ordinances. In order to apply this provision, the applicant shall submit a written and/or graphic statement describing in full detail the nature and extent of the alteration. Once the minor alteration has been approved by City staff and the Director, the statement shall be signed by the applicant and the Director and placed in the permanent case file. In addition to the above limitations, the total of the alterations approved by City staff and the Director shall not in aggregate result in:

1. An increase of more than one percent (1%) in residential density;
2. An increase of more than five percent (5%) in the floor area of a commercial or industrial use;
3. An increase of more than two percent (2%) in the ground area covered by buildings;
4. A reduction of more than two percent (2%) in the area reserved for common open space; or
5. A reduction of more than two percent (2%) in the quantity of off-street parking.

b. Alterations to a PUD plan exceeding the limits established above or any change in the category of use shall be reviewed by the Planning Commission and City Council according to the complete PUD plan review procedure.

(13) Submittal requirements. The PUD plan shall include, at a minimum, the following subject areas in written and/or graphic form:

- a. Site development plan.
- b. Landscape plan.
- c. Architectural elevations.
- d. Grading/drainage plan.

- e. Utility plan.
- f. The following material shall also be submitted to support the application and PUD plan:
 - 1. Proof of property ownership and owners' consent to the application.
 - 2. Legal description of affected property.
 - 3. Material related to the arrangements for ownership and maintenance of the common aspects of the development.
 - 4. Other material as required by City staff, the Planning Commission or the City Council to verify appropriate arrangements with irrigation ditch companies, private utility companies, other public agencies, etc.
 - 5. A community impact assessment shall be required for any proposed development exceeding forty (40) acres which should be developed within five (5) years from the date construction begins, or when otherwise determined to be necessary by the Planning Commission or the City Council. The community impact assessment shall include, as a minimum, an analysis of the development's impact on the provision of municipal services, transportation system, adjacent land uses, public education, Comprehensive Plan and various other factors relating to the "quality of life."

(e) Landscape installation and maintenance guarantee.

(1) In the event that the landscaping, as shown on the approved PUD plan, is not installed prior to issuance of a Certificate of Occupancy, a financial guarantee or a letter of credit shall be provided, in a form acceptable to the City, in an amount equal to one hundred fifteen percent (115%) of the estimated cost of landscape improvements. If the landscaping is installed, as shown on the approved PUD plan, within one (1) year from the date a Certificate of Occupancy is issued, eighty-five percent (85%) of the financial guarantee shall be released by the City. In the event that the landscaping is not installed, the financial guarantee shall not be released to the applicant. The funds shall be used by the City to install the landscaping as shown on the approved PUD plan.

(2) It shall be the developer's obligation to replace landscape material which has failed to survive and to restore those landscaped portions of the affected site to the conditions as shown on the approved PUD plan. If it is evident that the landscape improvements have been maintained in an appropriate manner during a three-year period from the date the Certificate of Occupancy was issued, the remaining financial guarantee shall be released. (Ord. 1964, 2008; Ord. 2123 §10, 2011)

Sec. 17-16-120. South 4th Avenue Overlay District.

(a) Purpose. The purpose of the South 4th Avenue Overlay District is to establish standards for development along South 4th, one (1) of the primary entrances to the City, with the intention to retain the distinctive character of this entrance to the core of the City and avoid a strip commercial development pattern along this significant entry into the City. This is accomplished by a combination of development standards related to the gateways and the corridor which comprise the District as a

whole, including, without limitation, design standards, lot size, signage, parking requirements, landscaping standards, provisions for appropriate pedestrian and vehicular access, and building setback requirements, which provide for attractive, functional development while allowing for preservation of historical and architecturally significant structures, appropriate mixing of residential and commercial uses, and the continued growth of the commercial, office and service sectors which are vital to the community. Development in the South 4th Avenue Overlay District, whether residential or otherwise, shall reflect the historic residential character of the District. The construction of structures under the terms of the provisions related to the South 4th Avenue Overlay District shall be compatible with existing structures and sensitive to the development patterns already established in the area to which the Overlay District applies.

(b) Zone Designation. The South 4th Avenue Overlay District (the "District") shall include properties adjacent to and abutting on South 4th Avenue commencing at Bridge Street and extending south to Bromley Lane in accordance with Appendix 17-16-A, the South 4th Overlay District Map, which by this reference becomes part hereof. The properties described herein, including both the South 4th Avenue Gateway District (S4GW) and the South 4th Avenue Corridor District (S4CR), shall be designated in total as the South 4th Avenue Overlay District on the zoning map of the City in addition to the existing underlying zoning districts applicable thereto.

(1) South 4th Avenue Gateway District, referred to herein as "S4GW," which consists of properties adjacent to and abutting South 4th Avenue from Bridge Street to Bush Street and from Jessup Street to Bromley Lane as set forth in Appendix 17-16-A. The S4GW is typified by structures originally built as residences that have been converted to commercial uses and rental residences. The blocks are long and have attached sidewalks. The majority of the lots have alley access; however there are unusually shaped and unplatted properties that have no alley access. The S4GW is intended to accommodate a variety of compatible uses, including multi-family residential, professional and administrative offices, personal services, neighborhood retail and restaurant and other business uses. The mixing of uses in a structure is encouraged.

(2) South 4th Avenue Corridor District, referred to herein as "S4CR," consists of properties adjacent to and abutting South 4th Avenue from Bush Street and extending south to Jessup Street, as set forth in Appendix 17-16-A. The S4CR is typified by established residential structures, short blocks with detached sidewalks, alley access to the properties and certain historic and architecturally significant structures. The S4CR is intended to accommodate a variety of compatible uses including single-family attached and detached residential, professional and administrative offices, personal services and other business uses. The mixing of uses in a structure is encouraged.

(c) Applicability/Exemption.

(1) The requirements and standards of the South 4th Avenue Overlay District shall apply to:

a. All nonresidential development, including construction, reconstruction, additions, expansions and alterations thereof, for which a building permit is required; except as allowed within Article 17-28.

b. Construction of new residential structures.

c. Expansion or alteration of existing residential structures which increase the floor area of the residence, as more fully set forth in Section 17-44-290.

(2) Existing residential properties or structures constructed prior to the adoption of this Article, continuing the use as a residential property, including legally allowed additions, shall be exempted from the regulation of the South 4th Avenue Overlay District and may revert to the existing underlying zoning regulations.

(3) Existing, legally allowed, nonresidential properties or structures, constructed prior to the adoption of this Article and continuing the allowed use, shall be exempted from the regulations of the S4 Overlay District and may revert to the existing underlying zoning regulations.

a. Only those additions, expansions or alterations of nonresidential structures, permitted by Article 17-28, may be exempted from the South 4th Avenue Overlay District regulations. All other additions, expansions or alterations to nonresidential structures must comply with the S4 Overlay District regulations.

(d) Application, Review, Fees and Appeals. An applicant seeking approval of a use-by-right or conditional use in the South 4th Avenue Overlay District shall file an application for approval of a South 4th Avenue Site Plan with the Department of Community Development in adequate detail to enable the Director to determine whether each of the requirements and development standards of the South 4th Avenue Overlay District has been met. The requirements related to the application, review thereof, fees and appeals shall be in accordance with Section 17-16-270.

(1) Conditional use. In an effort to be compatible with neighboring residences, and because of the unique characteristics, opportunities and constraints of the S4 Overlay District, some specific land uses have been deemed appropriate along this unique corridor when certain restrictions and regulations are applied to mitigate any potential negative impacts these land uses may have on the surrounding uses.

a. In addition to the conditions specified in this Land Use and Development Code for conditional uses, land uses designated as a conditional use in the S4 Overlay District shall be restricted to operating in buildings with building footprints no larger than two thousand (2,000) square feet on interior lots, and no larger than three thousand (3,000) square feet on corner lots.

(e) Review Criteria.

(1) The following criteria shall guide the review of South 4th Avenue site plans submitted for approval, and the same shall be interpreted liberally to further the purpose and objectives of the South 4th Avenue Overlay District:

a. Improvements within this Overlay District should conform with the traditional style and pattern of development in the S4GW or S4CR.

b. Emphasis should be placed on quality and efficiency in the planning and design of all improvements within this Overlay District.

c. All proposed uses and development shall be compatible with the existing development and improvements in the S4GV or S4CR and harmonious with the existing neighborhoods.

d. A mixture of residential and commercial uses within the same building is encouraged.

e. The size of the parcel and buildings should be appropriate for the proposed use and be generally consistent with the traditional pattern of development in S4GW or S4CR.

f. The building setbacks and height set forth herein are intended to generally conform with the traditional pattern of development in S4GW or S4CR.

g. Landscaping is required when there is adequate setback to allow it, including the rear of the parcel when it is accessible to the public or visible from an area normally used by the public.

(f) Standards. The following Standards shall apply to all subject properties and development in the South 4th Avenue Overlay District. These standards shall be in addition to those of the underlying zone district in which the property is located. In case of any conflict between a specific use or development standard for the South 4th Avenue Overlay District and any other regulation set forth in the underlying zoning district or the Land Use and Development Code, as amended, the development standards applicable to South 4th Avenue Overlay District shall apply unless otherwise expressly permitted by the Director.

(1) Storm drainage. All on-site drainage and stormwater management plans shall comply with City standards and specifications, and all applicable regulations set forth in this Land Use and Development Code, including Section 17-44-120. In addition, if the standards set forth in this Article conflict with any other City regulations, standard or specification, the most restrictive shall apply unless otherwise expressly permitted by the Director.

a. Requirements for storage volumes of storm runoff shall be calculated based on the total increase in impervious area created by the project.

b. Facilities shall be designed such that surface water from the site is released in amounts no greater in rate or volume than the historical rate or volume calculated prior to the new development, expansion or redevelopment.

c. Where site constraints make typical pond storage unfeasible, the Director may consider alternative approved methods for properly diverting and containing required storm volumes, such as underground detention or parking lot detention.

d. In the case that public stormwater facilities are not available or do not have sufficient capacity to allow release from the project's proposed stormwater facility, retention ponds may be required until such time as outfall facilities have been constructed or have sufficient available capacity.

e. Retention and/or detention ponds shall be designed and maintained to prevent stagnant water from standing in the pond bottom and shall, to the extent practicable, minimize the impact on adjacent residential properties.

f. On-site stormwater facility requirements will be waived only where off-site facilities have been designed and constructed to accommodate the one-hundred-year storm event flows from a fully developed basin, which includes the subject property.

(2) Handicap accessibility. All South 4th Avenue site plans shall comply with applicable federal, state and local accessibility laws, standards and regulations.

(3) Accessory uses. Permitted accessory uses shall be as set forth in the Table of Uses. All accessory buildings shall be constructed in the same architectural style and with the same materials and color of the principal building.

(4) Storage. Storage outside the principal building shall only be permitted within a permitted accessory building. Trash areas, cans and Dumpsters shall be located at the rear of the lot and shall be visually screened from South 4th Avenue, adjacent streets and pedestrian paths using an enclosed structure, fence, wall, trees or large shrubs. Any structure built to screen a trash area, cans or Dumpsters shall match the architecture, materials, colors and style of the principal structure.

(5) Fences and sight triangles. All fences, walls and similar structures shall comply with Section 17-20-30. If there is a conflict between Section 17-20-30 and this Article, the more restrictive shall apply unless otherwise expressly permitted by the Director, provided that the following shall apply:

a. Fences within the front setback shall be constructed no higher than thirty-six (36) inches.

b. Fences within the side and rear setback shall be constructed no higher than forty-eight (48) inches and shall be no closer than forty-eight (48) inches from the rear property line.

(6) Signs. All signs shall comply with Section 17-20-100 of this Code. If there is a conflict between Section 17-20-100 and this Article, the more restrictive shall apply unless otherwise expressly permitted by the Director provided that the following shall apply:

a. The placement of signs shall protect and preserve sight triangles as specified in Section 17-20-30 of this Code.

b. All signs shall be constructed with the same materials, architectural features, and color as those of the principal building.

c. Neon, electric message, marquee and backlit signs are prohibited.

d. Monument signs shall not exceed forty (40) square feet, regardless of street frontage.

e. Except as may be required for corner lots, setbacks for monument signs shall be set back eighteen (18) inches behind the front property line and seven (7) feet from the rear property line.

(7) Site layout. Application for subdivision approval of any unplatted parcel of property shall be submitted with an application for approval of a South 4th Avenue Site Plan in accordance with the Subdivision Regulations set forth in this Land Use and Development Code.

a. Site layout for properties in the S4GW shall conform to the general site layout as depicted in Appendix 17-16-C to this Article, which by this reference becomes a part hereof.

b. Site layout for properties in the S4CR shall conform to the general site layout as depicted in Appendix 17-16-B to this Article, which by this reference becomes a part hereof.

c. All site layouts shall comply with Appendix 17-16-B or 17-165-C or other City standards and specifications, and applicable regulations as the same may be set forth in the Residential Design Standards contained in this Land Use and Development Code. In addition, if the standards set forth in this Article conflict with any other City regulations, standard or specification, the most restrictive shall apply unless otherwise expressly permitted by the Director.

(8) Access. All curb cuts are subject to approval of the Director of Public Works or the State Highway Department for state highways, and are not a use by right.

a. No new curb cuts on to 4th Avenue shall be permitted in the South 4th Avenue Overlay District, where alley access is available.

b. All proposed South 4th Avenue site plans shall provide for the elimination of existing curb cuts onto South 4th Avenue; provided that the Director of Public Works may grant a license to the applicant, subject to revocation in the sole discretion of the Director of Public Works, permitting the continuation of existing curb cuts for such parcels of property that have no available access to a dedicated or publicly owned alley or other right-of-way.

(9) Parking. All parking, parking lots, shared parking, access and other matters related thereto shall comply with Sections 17-20-90 and 17-48-130, whichever is more restrictive, unless otherwise expressly permitted by the Director.

a. Shared parking and the joint use of parking facilities are highly encouraged within the S4 Overlay District. The joint use of parking facilities (shared parking) shall follow all of the conditions required for joint use of parking facilities, as described in Section 17-20-90.

b. Parking for interior lots shall be located away from public view of the users of South 4th Avenue, and access to the same shall be provided from a dedicated or publicly owned alley or other right-of-way, whenever possible.

(10) Landscaping. All landscaping, streetscapes, tree treatment, sidewalks and related matters shall comply with City standards and specifications, and all applicable regulations set forth in this Land Use and Development Code, including Sections 17-20-50, 17-44-150 and 17-48-170. In addition, if the standards set forth in this Article conflict with any other City regulations, standard or specification, the most restrictive shall apply unless otherwise expressly permitted by the Director.

a. Street trees. All applications for approval of a South 4th Avenue site plan shall specify the selection and placement of street trees. The applicant shall specify the street trees to be planted on the subject property, selected from the trees listed in Appendix 17-16-D, unless otherwise approved by the Director.

1. One (1) street tree shall be planted in the street-tree lawn, for every fifty (50) linear feet of street-tree lawn frontage adjacent to South 4th Avenue, unless otherwise approved by the Director.

2. Street trees shall be planted along the centerline of the street-tree lawn parallel to the 4th Avenue right-of-way, unless otherwise approved by the Director.

3. The placement of trees and landscaping shall protect and preserve sight triangles as specified in Section 17-20-30.

b. Parking landscaping. All applications for approval of a South 4th Avenue site plan shall include a parking plan, including such landscaping as may be required to create a visual buffer of the parking area from adjacent residential properties, South 4th, adjacent streets and pedestrian ways.

1. The proposed parking landscaping shall be designed to blend with and complement the entire site by using the appropriate application of landscaping and screening methods.

2. At a minimum, the parking landscaping shall include one (1) canopy shade tree per four (4) parking spaces and two (2) shrubs per parking space in the parking area.

3. The parking landscaping is subject to the approval of the Director.

(11) Sidewalks. All sidewalk and street-tree lawns shall comply with City standards and specifications and all applicable regulations set forth in this Land Use and Development Code, including Section 17-44-150. In addition, if the standards set forth in this Article conflict with any other City regulation, standard or specification, the most restrictive shall apply unless otherwise expressly permitted by the Director. The sidewalk and street-tree lawn, which includes the area from the curb to the property line, shall be located and constructed so as to adhere to the approved South 4th Avenue site plan.

- a. Properties located within S4CR shall locate and construct the sidewalk and street-tree lawn as depicted in Appendix 17-16-B, incorporated herein, and by curb no less than six (6) feet and comply with all applicable City standards and regulations for design and construction of sidewalks and street-tree lawns.

- b. Properties located within S4GW shall locate and construct the sidewalk and street-tree lawn as depicted in Appendix 17-16-C, incorporated herein and by this reference made a part hereof. The sidewalk shall be attached to the curb and comply with all applicable City standards and regulations for design and construction of sidewalks and street-tree lawns.

(12) District architectural regulations and standards. Recognizing the unique and distinctive characteristics of the South 4th Avenue Gateway District and the South 4th Avenue Corridor District, within the South 4th Avenue Overlay Zone District, the following architectural regulations are intended to preserve and enhance each sector's distinctive characteristics, objectives, goals and purposes.

a. Properties located within S4CR shall locate and construct the sidewalk and structures within S4CR shall be designed to give each building the appearance of a residence and shall conform to the architectural standards set forth herein.

b. Nonresidential structures within S4GW shall conform to the architectural standards set forth in the Commercial Design Standards of this Code, and the applicable standards described in this Article. If there is a conflict between the Commercial Design Standards and this Article, the more restrictive shall apply unless otherwise expressly permitted by the Director.

c. Multi-family residential structures within S4GW shall conform to the architectural standards described in Section 17-44-270 and the applicable standards described in this Article. If there is a conflict between the Residential Design Standards and this Article, the more restrictive shall apply unless otherwise expressly permitted by the Director.

d. Building context. New buildings and structures shall be designed to provide complex massing configurations with a variety of different wall planes and roof planes. Plain, monolithic structures with long, monotonous, unbroken wall and/or roof plane surfaces, of forty (40) feet or more, are prohibited.

e. Building access. All buildings shall provide at least one (1) primary building entrance oriented to South 4th Avenue.

1. All buildings shall provide at least one (1) direct pedestrian walkway from the South 4th Avenue sidewalk.

2. When parking is provided in the rear of the property, a rear entry must be easily identifiable, delineated and connected to the parking area.

3. If no rear entry is provided, then a sidewalk must be included to connect the parking area to the primary entrance oriented to South 4th Avenue.

f. Facades. All front and rear facades must incorporate the following architectural features:

1. Variations in facade color and/or texture.

2. Facade color schemes should not be exceedingly bright or clash with each other, and color schemes and textures will be subject to review and approval by the Director.

3. Facades shall express the positions of each floor in the external design through terracing, articulated structural elements, change in materials or the use of belt courses or similar horizontal trim bands of contrasting color and/or materials can be used.

4. The use of materials relatable to human proportions, such as brick, wood or wood simulated siding, modular stone and special surface concrete masonry, are required.

5. Stucco will be permitted only to complement or accent another primary building material, provided that stucco may not exceed twenty-five percent (25%) of the entire facade area.

6. Windows shall be articulated using features such as shutters, decorative mullions, frieze board, bay windows, transom windows or dormer windows.

7. Doors shall be articulated using features such as transom windows, columns, pillars, arches, canopies, porticos, awnings or a porch or balcony.

8. Porches, patios, awnings and canopies may encroach no more than eight (8) feet into the front setback.

9. Porches and patios shall measure at least six (6) feet deep by eight (8) feet long.

g. Accessory utility and mechanical components. All buildings and structures shall incorporate mechanical and electrical equipment and similar building components into the architecture of the primary structure.

1. Accessible ramps, stairs, elevators and all other building accessories shall be compatible with building design in terms of materials, details, massing and form.

2. The design and style of exterior lighting fixtures shall be incorporated so as to be integral with the building architecture design and style.

3. Site lighting shall be contained within the site, providing cut-off type luminaries in non-accent applications.

4. All utility and mechanical equipment shall be located on the rear or side of the structure, or on the roof in the S4GW.

5. All utility and mechanical equipment shall be screened from view with fencing, walls, landscaping and/or approved roof or other structural components in the S4GW.

h. Roof standards. Sloped roofs shall be covered with high quality materials approved by the Director such as natural clay tiles, asphalt, shingles, slate, concrete tiles (having natural texture and color), or high-profile, three-dimensional asphalt/ fiberglass shingles.

1. All sloped roofs shall have at least two (2) distinctive roof ridgelines. Differing ridgelines may be accomplished by:

a) Two (2) differently sloped roofs, or identically sloped roofs along a different plane (this may include different styles of sloped roofs such as the combination of a gable roof and cat slide roof),

b) The addition of dormer windows,

c) A covered porch and/or balcony with a distinct roof ridgeline,

d) The addition of a turret or tower, or

2. All structures within S4CR shall be designed to give the building the appearance of a residence and shall have a sloped roof.

a) Flat roofs are prohibited in the S4CR.

b) Roof-mounted mechanical equipment is prohibited within the S4CR.

3. All structures within the S4GW shall conform to the architectural roofing standards described in the Commercial Design Standards, Article 17-48, of this Land Use and Development Code, and the applicable standards described in this Article. If there is a conflict between the Commercial Design Standards and this Article, the more restrictive shall apply unless otherwise expressly permitted by the Director.

a) Flat roofs are permitted in the S4GW, provided that parapets are included.

b) Roof-mounted mechanical equipment is permitted, provided that it is incorporated into the building form in a manner integral to the building architecture by either or both roof forms or screening methods, and the same shall not be visible from any right-of-way.

(13) Development standards. Recognizing the unique and distinctive characteristics of the two (2) distinct sectors within the South 4th Avenue corridor, the "Corridor" (S4CR) and the "Gateways" (S4GW), the S4 Overlay District regulations established specific standards to correspond to each sector's distinctive objectives, goals and purposes.

a. Minimum lot area: seven thousand five hundred (7,500) square feet.

b. Minimum width of interior lot: fifty (50) feet.

c. Minimum width of corner lot: seventy-five (75) feet.

d. Maximum width of interior lot:

1. S4CR: one hundred (100) feet.

2. S4GW: one hundred twenty-five (125) feet.

e. Maximum width of corner lot:

1. S4CR: one hundred twenty-five (125) feet.

2. S4GW: one hundred fifty (150) feet.

f. Minimum building setback:

1. S4CR:

a) Front: twenty-five (25) feet.

b) Corner (2nd front): fifteen (15) feet.

c) Side: seven (7) feet.

- d) Rear: twenty-five (25) feet.
- 2. S4GW:
 - a) Front: fifteen (15) feet.
 - b) Corner (2nd front): ten (10) feet.
 - c) Side: seven (7) feet.
 - d) Rear: twenty-five (25) feet.
- g. Maximum building height:
 - 1. S4CR: twenty-five (25) feet.
 - 2. S4GW: thirty-five (35) feet.
- h. Maximum allowed lot coverage: fifty percent (50%).
- i. Minimum parking lot setback:
 - 1. Front: fifteen (15) feet.
 - 2. Corner (2nd front): ten (10) feet.
 - 3. Side: five (5) feet.
 - 4. Rear: five (5) feet.
- j. Maximum total accessory structure size: nine hundred (900) square feet.
- k. Maximum accessory structure height: sixteen (16) feet.
- l. Minimum accessory structure setback:
 - 1. Front: ten (10) feet behind principal building.
 - 2. Corner (2nd front): fifteen (15) feet.
 - 3. Side: seven (7) feet.
 - 4. Rear: seven (7) feet.
- m. Maximum conditional use building footprint:
 - 1. Interior lot: two thousand (2,000) square feet.
 - 2. Corner lot: three thousand (3,000) square feet.

Appendix 17-16 A
South 4th Avenue Overlay District Map



DIAGRAM 3CR

SOUTH 4TH AVENUE

S4CR CORRIDOR SITE PLAN

TYPICAL EXISTING LOT

TYPICAL EXISTING LOT

PORCH

ALLEY

SOUTH 4TH

STREET TREES CENTERED IN STREET-TREE LAWN AND EVENLY SPACED FOR MULTIPLE TREES

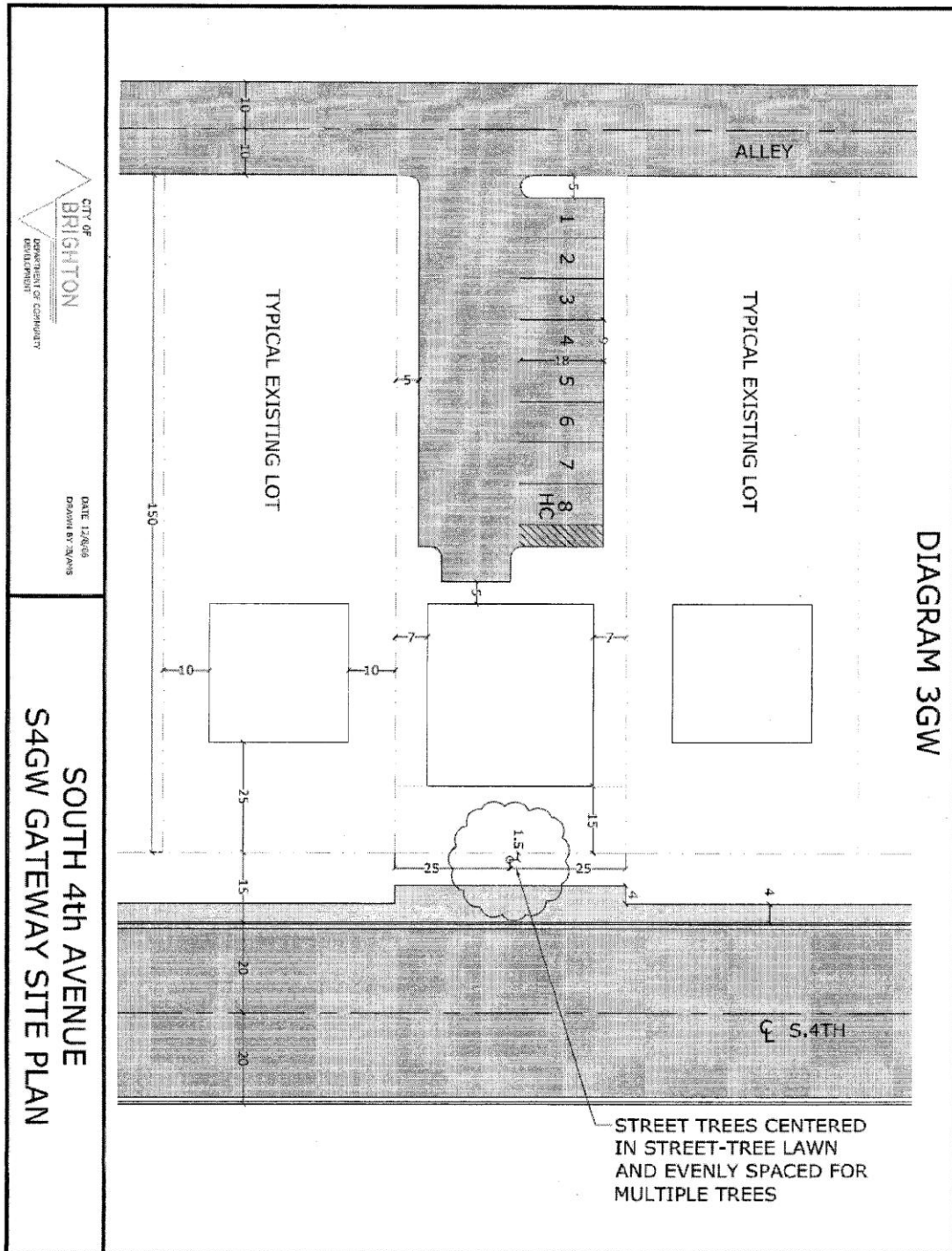
CITY OF BRIGHTON

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: 12/8/06

DRAWN BY: JAMES

Appendix 17-16 C
South 4th Avenue Gateway S4GW District Site Plan



Appendix 17-16 D
South 4th Avenue Overlay District Street Tree List

<i>Type</i>	<i>Scientific Name</i>	<i>Common Name</i>	<i>Varieties</i>	<i>Average Height (in feet)</i>	<i>Average Width (in feet)</i>
Ash	<i>Fraxinus Americana</i>	White Ash	Autumn Purple	50	45
	<i>Fraxinus pennsylvanica</i>	Green Ash	Patimore	45	35
Maple	<i>Acer platanoides</i>	Norway Maple	Columnar	45	40
			Emerald Lustre	45	45
			Emerald Queen	45	45
	<i>Acer ruhrum</i>	Red Maple	Autumn Blaze	45	35
			Autumn Flame	40	35
			Red Sunset	45	35
	<i>Acer x freemani</i>	Silver/Red Hybrid	Autumn Blaze	45	35
			Sienna Glen	45	35
Notes:	The trees chosen for the Street Tree List were chosen for their shape, size, beauty, adaptability, availability, suitability as a street tree and ability to thrive in Brighton's habitat. An applicant may petition to utilize an appropriate alternative type of tree (other than those listed in the Street Tree List) if the applicant can demonstrate that the shape, size and habitat of proposed alternative tree type meets the intent of the Street Tree List.				

(Ord. 1964, 2008)

Sec. 17-16-130. CO Commercial Office District.

The C-O District is intended to provide administrative and professional services and limited personal services to surrounding residents. C-O properties should be designed to eliminate any nuisance or incompatibility with surrounding land uses and should include the integration of pedestrian and bicycle access. Land within this classification is generally located adjacent to residential areas on minor traffic arterials. The C-O District also allows temporary and conditional uses as described in the Tabulation of Uses.

- (1) Minimum area of lot: seven thousand (7,000) square feet.
- (2) Minimum width of lot: seventy-five (75) feet.
- (3) Minimum building setback:
 - a. Front: Twenty-five (25) feet.
 - b. Side: Fifteen (15) feet on one (1) side, five (5) feet on other side.

1. Four-hour rated construction: zero (0) feet on one (1) side, fifteen (15) feet on other side.
 2. Abutting residential district: fifteen (15) feet or equal to the height of the building, whichever is greater.
 - c. Rear: fifteen (15) feet.
 1. Abutting residential district: fifteen (15) feet or equal to the height of the building, whichever is greater.
 - d. Corner lot (minimum setbacks on all sides adjacent to street): twenty-five (25) feet.
- (4) Maximum building height: twenty-five (25) feet.
 - (5) Building area (minimum floor area of principal building): one thousand five hundred (1,500) square feet.
 - (6) Hours and operation: Hours of operation in which customers visit the building or use shall be from 6:00 a.m. to 10:00 p.m. All operations shall take place completely within an enclosed building, except for a small outdoor seating area comprising no more than one thousand five hundred (1,500) square feet of area and for drive-thru uses as permitted as part of an allowed use as set forth in the Tabulation of Uses.
 - (7) Storage. No outside storage shall be allowed.
 - (8) Parking: See Section 17-20-90.
 - (9) Landscaping: A minimum of ten (10) feet of the property abutting any street and that portion of the public right-of-way lying between property line and curb line shall be landscaped. See Section 17-20-50. (Ord. 1964, 2008)

Sec. 17-16-140. C-1 – Local Retail.

The C-1 District is a local retail district designed primarily to provide compatible small convenience retail shopping and personal services for persons residing in the adjacent residential areas. Land within this classification may be located adjacent to residential areas, is generally located on minor traffic arterials and is permitted only to allow limited commercial uses as occur daily or frequently and thus require close proximity to residences. Because of its location and purpose, uses of land and structures within this District are restricted and must be compatible to the area in which they are located.

- (1) Minimum area of lot: seven thousand (7,000) square feet.
- (2) Minimum width of lot at the building line: one hundred (100) feet.
- (3) Minimum building setback:
 - a. Front: Twenty-five (25) feet.

b. Side: Fifteen (15) feet on one (1) side, five (5) feet on other side.

1. Four-hour rated construction: zero (0) feet on one (1) side, fifteen (15) feet on other side.

2. Abutting residential district: fifteen (15) feet or equal to the height of the building, whichever is greater.

c. Rear: fifteen (15) feet.

1. Abutting residential district: fifteen (15) feet or equal to the height of the building, whichever is greater.

d. Corner lot (minimum setbacks on all sides adjacent to street): twenty-five (25) feet.

(4) Maximum building height: twenty-five (25) feet.

(5) Minimum building areas: one thousand five hundred (1,500) square feet.

(6) Storage: no outside storage shall be allowed.

(7) Operation: All operations shall take place completely within an enclosed building; no outside display, sale or storage of merchandise, except drive-in facilities.

(8) Parking: See Section 17-20-90.

(9) Landscaping: A minimum of ten (10) feet of the property abutting any street and that portion of the public right-of-way lying between property line and curb line shall be landscaped. See Section 17-20-50. (Ord. 1964, 2008)

Sec. 17-16-150. C-2 – Restricted Retail and Services.

The C-2 District is a restricted retail and service district designed to provide community retail, service and office facilities of a wider variety and larger size than would be allowed in a local retail district. Land within this classification is normally located along traffic arteries or in centrally located trade areas of sufficient size to provide adequate variety, parking area and service. Such a classification should not be located in or, if possible, be adjacent to a residential zone without some buffer zone or separation by a right-of-way. However, in cases where location of a district does abut a residential district, use of land and structures may be restricted to be compatible to the adjoining area.

(1) Minimum area of lot: ten thousand (10,000) square feet.

(2) Minimum width of lot at the building line: one hundred (100) feet.

(3) Minimum building setback:

a. Front: Twenty-five (25) feet.

- b. Side: Fifteen (15) feet on one (1) side, five (5) feet on other side.
 - 1. Four-hour rated construction: zero (0) feet on one (1) side, fifteen (15) feet on other side.
 - 2. Abutting residential district: fifteen (15) feet or equal to the height of the building, whichever is greater, maximum of twenty-five (25) feet.
- c. Rear: fifteen (15) feet.
 - 1. Abutting residential district: fifteen (15) feet or equal to the height of the building, whichever is greater, maximum of twenty-five (25) feet.
- d. Corner lot (minimum setbacks on all sides adjacent to street): twenty-five (25) feet.
- (4) Maximum building height: thirty-five (35) feet.
- (5) Minimum building area: two thousand (2,000) square feet.
- (6) Storage. No outside storage shall be allowed.
- (7) Operation. All operations shall take place completely within an enclosed building; no outside display, sale or storage of merchandise except drive-in facilities.
- (8) Parking: See Section 17-20-90.
- (9) Landscaping. A minimum of ten (10) feet of the property abutting any street and that portion of the public right-of-way lying between property line and curb line shall be landscaped. (Ord. 1964, 2008)

Sec. 17-16-160. C-3 – General Retail and Services.

The C-3 District is a general retail and service district designed to provide the broadest scope of compatible services and products for both the general and traveling public. Land within this category should be located along and/or at the intersection of major arterials in sufficient size parcels as to provide for larger buildings and/or uses with sufficient parking and loading areas. This District should not abut a residential district and within each district care should be taken that commercial uses are compatible with each other and the surrounding area.

- (1) Minimum area of lot: twenty thousand (20,000) square feet.
- (2) Minimum width of lot at the building line: one hundred twenty-five (125) feet.
- (3) Minimum building setback:
 - a. Front: Fifty (50) feet.
 - b. Side: Fifteen (15) feet on one (1) side, five (5) feet on other side.

1. Four-hour rated construction: zero (0) feet on one (1) side, fifteen (15) feet on other side.

2. Abutting residential district: fifteen (15) feet or equal to the height of the building, whichever is greater, maximum of twenty-five (25) feet.

c. Rear: fifteen (15) feet.

1. Abutting residential district: fifteen (15) feet or equal to the height of the building, whichever is greater, maximum of twenty-five (25) feet.

d. Corner lot (minimum setbacks on all sides adjacent to street): fifty (50) feet.

(4) Maximum building height: fifty (50) ft.

(5) Minimum building area: six thousand (6,000) square feet.

(6) Storage. All outside storage shall be concealed by a six-foot solid, closed fence, except for vehicles, trailers or other equipment requiring display. When abutting residential zones, such fence must be wooden, masonry or hedge.

(7) Parking. See Section 17-20-90.

(8) Landscaping. A minimum of ten (10) feet of the property abutting any street and that portion of the public right-of-way lying between property line and curb line shall be landscaped. See Section 17-20-50. (Ord. 1964, 2008)

Sec. 17-16-170. BP – Business Park.

(a) The BP District is a specific employment district intended to promote planned and deliberately designed business centers arranged with campus-like groupings of buildings. Development within this District shall be characterized by excellence in design, architecture, landscaping and both vehicular and pedestrian circulation. Buildings will be placed deliberately on lots in order to provide an attractive arrangement with compatible uses in an attractively landscaped development. To promote a campus-like grouping of compatible uses, multiple principal buildings will be allowed to exist on the same lot and shall be arranged to provide a unified and cohesive development.

(b) This District is intended to accommodate a variety of compatible business, office, professional, administrative, research, flex space, light manufacturing, assembly and light fabrication uses as more specifically set forth herein. The Commercial Design Standards (CDS) regulations shall apply to the BP District, and the Industrial Design Standards (IDS) shall apply to all industrial uses within the BP District. Outdoor storage is prohibited. Storage outside of the principal building will only be allowed within acceptable accessory buildings.

(c) Supporting service uses, as defined herein, such as banks, gasoline stations, restaurants and other personal service and retail uses, that are intended to meet the daily needs of the District's employee base, will be permitted only with an approved conditional use permit. Unless located

within a principal building (and consistent with the findings and limitations set forth below), supporting service uses shall be located on supporting service lots along arterial streets.

(d) Supporting service uses will be treated as a use-by-right (UBR) if that use is clearly incidental, secondary and accessory to an allowed use in the BP District, is located within a larger principal building and meets the following findings and limitations:

(1) The supporting service use is consistent and compatible with the purpose and intent of the allowed principal use;

(2) The combined floor area of the supporting services use area may not exceed twenty-five percent (25%) of the total gross floor area of the principal building; and

(3) The supporting service use must be clearly supportive, accessory and incidental to the principal use.

(e) Common areas shall be arranged for the useful enjoyment of employees and visitors through the use of landscaping, open space, parks, courtyards, paths, outdoor furniture, public sculpture and art, sitting and eating areas, etc. Parking, loading docks and accessory buildings in this District will, whenever possible, be located away from public view and/or public rights-of-way (ROW) and shall be blocked from public view through the use of berming, landscaping and other techniques that obscure view.

(1) Minimum zone district area: Five (5) acres.

(2) Minimum lot area: One (1) acre.

(3) Minimum supporting service lot area: One-half (0.5) acre.

(4) Minimum width of lot at building line: One hundred fifty (150) feet.

(5) Minimum frontage of supporting service use lot: One hundred fifty (150) feet.

(6) Minimum principal or supporting service use lot building setback:

a. Front: twenty-five (25) feet.

b. Side: fifteen (15) feet.

c. Rear: fifteen (15) feet.

d. Corner lot: twenty-five (25) feet adjacent to a public right-of-way.

(7) Minimum accessory building setback:

a. Front: twenty-five (25) feet behind principal building.

b. Side: twenty (20) feet.

c. Rear: twenty (20) feet.

d. Corner lot: fifty (50) feet adjacent to a public right-of-way.

(8) Maximum principal building height: One hundred twenty-five (125) feet. *

* The following building setback ratios shall be met for principal buildings in BP district developments that are adjacent to areas zoned residential, parks or open space:

<i>Building Height</i>	<i>Setback Distance: Building Height</i>
Under 50 ft.	1:1
Between 50 and 74 ft.	2:1
Between 75 and 99 ft.	3:1
Over 100 ft.	4:1

(9) Maximum accessory or supporting service building height: Thirty (30) feet.

(10) Total maximum accessory building area: Fifty percent (50%) of principal building footprint or twenty-five percent (25%) of principal building gross floor area, whichever is smaller.

(11) Minimum principal building separation distances:

a. Building less than fifty (50) feet in height: twenty (20) feet.

b. Building between fifty (50) to seventy-four (74) feet in height: twenty-five (25) feet.

c. Building between seventy-five (75) to ninety-nine (99) feet in height: thirty (30) feet.

d. Building over one hundred (100) feet in height: thirty-five (35) feet.

(12) Storage. Storage outside of the principal building will only be allowed within accessory buildings and shall be restricted to only nonhazardous and non-obnoxious materials that are necessary and supplemental to the principal use. All accessory buildings shall be constructed with similar architectural treatments and materials as the principal building.

(13) Parking. Shared parking and access will be encouraged and, whenever possible, parking and loading docks shall be hidden from public view, public rights-of-way and open space through strategic placement, and the use of various screening technique such as landscaping or berms to obscure view.

(14) Landscaping and common areas.

a. Landscaping. Landscaping excellence will be a defining feature of the Business Park District. Landscaping around principal and accessory buildings and common areas shall be deliberately planned, placed and designed for aesthetic beauty and usefulness for employees, visitors and the general public. A minimum of one (1) landscaping element will be required for every one (1) acre of total zone district area. When individual lots within the area zoned

Business Park (BP) are platted separately, one (1) landscaping element will be required for every (1) acre of total lot area. Examples of acceptable landscaping elements include trails, streams and ponds, large gardens, eating and sitting areas, public sculpture and art, courtyards, recreation/sports, etc. The acceptability/suitability of landscaping elements shall be determined by the Director, taking into consideration compatibility, avoidance of repetition, screening needs, architecture and the intended use.

b. Common areas. At least twenty percent (20%) of the area zoned Business Park (BP) shall be designated as common area. The common area shall be dedicated as an outlot at the time of platting, and shall be located so as to preserve unique features such as geological features, water features, mature trees or vegetation, view corridors, animal habitats or any other unique feature as determined by the Director. The twenty-percent common area dedication shall be in addition to the landscaped area percentage requirements of the CDS or IDS, whichever may apply. When individual lots within the area zoned Business Park (BP) are platted separately (and the twenty-percent common area is not provided within the overall plat), twenty percent (20%) of each individual lot will be required to be dedicated as a common area outlot, and the lands dedicated for common areas shall be clustered together and connected, whenever possible, in order to function as a useful, integrated and cohesive unit.

Landscaped areas and common areas shall be designed for the use and enjoyment of employees, visitors and the general public. Common areas will be privately owned and maintained by the applicable owners' association.

(15) Fencing. Fencing shall be open (no more than fifty percent [50%] of the surface of the fence may be opaque) and shall be constructed of an attractive, compatible and durable material (such as wrought iron). Fencing that has the effect of restricting the enjoyment of open space, parks, landscaped or common areas, or public lands will not be allowed. (Ord. 1964, 2008; Ord. 2052 §2, 2010)

Sec. 17-16-180. I-1 – Light Industrial.

The I-1 District is a general industrial and restricted commercial district intended to accommodate a variety of compatible business, warehouse, wholesale, offices and most manufacturing, processing, fabrication, assembly and storage of nonhazardous and/or non-obnoxious materials and products, as well as allowing service facilities for industries and their employees. Land within this category must have access, parking, loading, fencing and storage area commensurate with the use. In cases where this District abuts other nonindustrial zoning or use, the use of land and structures may be restricted to be compatible to the adjoining area.

- (1) Minimum area of lot: One (1) acre.
- (2) Minimum width of lot at the building line: One hundred twenty-five (125) feet.
- (3) Minimum building setback:
 - a. Front: Fifty (50) feet.
 - b. Side: Fifteen (15) feet on one (1) side, five (5) feet on other side.

1. Four-hour rated construction: zero (0) feet on one (1) side, fifteen (15) feet on other side.

2. Abutting residential district: thirty-five (35) feet.

c. Rear: fifteen (15) feet.

1. Abutting residential district: thirty-five (35) feet.

d. Corner lot (minimum setbacks on all sides adjacent to street): fifty (50) feet.

(4) Maximum building height: Fifty (50) feet.

(5) Storage.

a. On any lot abutting any street, commercial, residential, public land or open space zoning district, outside storage of materials shall be enclosed and concealed by a six-foot to eight-foot closed fence. Such fence shall be wooden, masonry or hedge.

b. Outdoor storage, applicable to the construction of a structure on the site and not as the primary use, may be allowed on the property only during the time of construction.

c. Outdoor storage applicable to the use of the structure can only be on the site after the completion of the structure subject to a valid building permit for such construction and the above screening requirements.

(6) Parking. See Section 17-20-90.

(7) Landscaping. A minimum of twenty-five (25) feet average abutting any street (fifteen [15] feet minimum) shall be landscaped. In addition, side and rear setbacks, if directly abutting a residential or mobile home zone district, shall also be landscaped. See Section 17-20-50. (Ord. 1964, 2008)

Sec. 17-16-190. I-2 – Heavy Industrial.

The I-2 District is a heavy industrial district designed to accommodate various industrial enterprises using the broadest scope of the industries and their employees. Land within this category must have access, parking, loading, fencing and storage area commensurate with the use. In cases where the intended use may be hazardous or obnoxious to employees, the surrounding areas and uses, and/or environment, use of land and structure shall be restricted to protect the surrounding area and public health, safety and general welfare.

(1) Minimum area of lot: One (1) acre.

(2) Minimum width of lot at the building line: One hundred twenty-five (125) feet.

(3) Minimum building setback:

a. Front: fifty (50) feet.

- b. Side: fifteen (15) feet on one (1) side, five (5) feet on other side.
 - 1. Four-hour rated construction: zero (0) feet on one (1) side, fifteen (15) feet on other side.
 - 2. Abutting residential district: thirty-five (35) feet.
- c. Rear: fifteen (15) feet.
 - 1. Abutting residential district: thirty-five (35) feet.
- (4) Maximum building height: Seventy-five (75) feet.
- (5) Storage.
 - a. Outside storage of materials shall be enclosed and concealed by a six-foot to eight-foot closed fence. When abutting a residential zone district, such fence shall be wooden, masonry or hedge.
 - b. Outdoor storage, applicable to the construction of a structure on the site and not as the primary use, may be allowed on the property only during the time of construction.
 - c. Outdoor storage applicable to the use of the structure can only be on the site after the completion of the structure subject to a valid building permit for such construction and the above screening requirements.
- (6) Parking. See Section 17-20-90.
- (7) Landscaping. A minimum of twenty-five (25) feet average abutting any street (fifteen [15] feet minimum) shall be landscaped. In addition, side and rear setbacks if directly abutting a residential or mobile home zone district shall also be landscaped. See Section 17-20-50. (Ord. 1964, 2008)

Sec. 17-16-200. FC – Flood Plain Control District.

(a) Findings of Fact.

(1) The flood hazard areas of City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately elevated or otherwise unprotected from flood damage also contribute to flood loss.

(b) Statement of Goals, Purpose and Policy.

(1) Flood plain compatible development does not include new residential development. Allow the improvement of existing dwelling units in the flood plain only when federal regulations are followed.

(2) Promote and enhance the use of the flood plain for open space, pedestrian, bicycle and equestrian transportation, wildlife habitat and appropriate recreational activities.

(3) Limit development within the flood plain by not allowing connection of nonconforming and/or flood plain incompatible uses to municipal water or sewer facilities within the flood plain.

(4) Prevent the destruction of the flood plain, stream channels and natural terraces, by regulating filling, grading, dredging and other development which may increase flood damage; and by preventing the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(5) Allow for the economic return on investment for development which is compatible and designed for the discharge of the one-hundred-year flood without injury or loss of life or property, such as turf farms, gravel mines and golf courses.

(6) Minimize expenditures of public and private money for costly flood control, emergency measures and damage by limiting development in flood plains. Costs which are avoided by limiting development in the flood plain include: the need for rescue and relief efforts associated with flooding; the costs associated with prolonged business interruptions; and the costs associated with damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.

(7) Actively and effectively participate in the National Flood Insurance Program in order to allow property holders within the flood plain to obtain insurance and to minimize the loss of life and property during a one- hundred-year flood event.

(c) Flood Boundary.

(1) The provisions of this Section apply to the areas of special flood hazard identified by the Federal Emergency Management Agency in the scientific and engineering report entitled, "The Flood Insurance Study for the City of Brighton," dated March 5, 2007, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM), as may be amended from time to time. Additional flood boundaries that shall apply are identified in the current Flood Hazard Area Delineation Studies for Todd Creek, the South Platte River, Adams County, Second Creek and Third Creek, as published and amended by the Urban Drainage and Flood Control District (UDFCD), as the same may be amended from time to time. If these studies conflict, the most restrictive shall apply. The Flood Insurance Study, the Flood Insurance Rate Maps and the afore mentioned UDFCD Flood Hazard Area Delineation Studies shall be available for public review at the offices of Community Development of the Public Works Department, City of Brighton.

(2) If an applicant disputes the location of a flood plain boundary with the City Engineer, he or she may file with the City Engineer a written request for a hearing before the City Council, which will be held within thirty (30) days after the City Engineer receives the request. The City

Council shall not change the boundary line for City regulatory purposes unless it finds that the boundary is clearly incorrect. The City Council recognizes that only formal letters of map and study amendment issued by the Federal Emergency Management Agency are effective to change the boundary line for federal regulatory purposes.

(3) If a lot or parcel of land lies partly within the flood plain, the part of such lot within such area shall meet all the standards and requirements of such area as prescribed by this Article. If land outside the City is included within a flood plain area, the requirements of this Article apply to such land upon annexation without any requirement that the City Council further approve a map covering such area.

(d) Administration.

(1) Designation and duties of Flood Plain Administrator. The City Engineer shall administer the requirements of this Article and shall:

a. Determine that the requirements of this Article have been met before issuing any permit for development in the flood plain;

b. Review applications for structures located in the flood plain to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334;

c. Notify adjacent communities, Adams County, the Colorado Water Conservation Board and the Federal Emergency Management Agency before permitting any change in a watercourse;

d. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures; and

e. Maintain, for public inspection, all records pertaining to the provisions of this Article.

(2) Flood regulations in relation to other regulations. The requirements of this Article supplement those imposed on the same lands by any underlying zoning provisions of this Article, any ordinance of the City or annexation agreement. If there is a conflict between such requirements, the more restrictive controls. If a use not conforming to the requirements of this Article is discontinued for six (6) consecutive months, no person shall use the structure or premises thereafter unless such use and structure conform to the requirements of this Article.

(3) Existing structures. The use of any structure on land within the flood plain that was lawful before the application of this Article or any amendment thereto, but does not conform to the requirements of this Article, may be continued, subject to the provisions of Article 17-28 of this Code and the following conditions:

a. If any person makes repairs to or replaces a portion of any such structure but the cost of repair or replacement does not exceed fifty percent (50%) of its market value, such person shall elevate the repaired or replaced portion as required by this Section.

b. If any person makes substantial improvement to any structure in the flood plain, such person shall permanently modify the entire structure and the use of the structure to conform to the requirements of this Section.

c. No person shall change a use unless the structure and the use of the structure are modified permanently to conform to the requirement of this Section.

d. If a conflict arises between the requirements of this Section and the provisions for nonconforming uses, structures and lots contained in this Article, the requirements of this Section control.

e. When this Section requires calculation of a percentage of market value of a structure for the purposes of cost of repair or replacement, extent of damage or increases in value, the market value and the required calculation shall be determined pursuant to written appraisal detailing the methodology used by a person qualified to evaluate the particular situation. The methodology and the appraiser shall be acceptable to the City Manager.

(4) Issuance of a flood plain permit.

a. Flood plain permit required. Any development within the flood plain, except which is specifically exempted in Subparagraph b. below requires the application, review and approval of a valid flood plain permit issued by the City Engineer in accordance this Section and the requirements outlined in this Subsection.

b. Development exempted from flood plain permit:

1. The normal repair and maintenance of existing utilities, including but not limited to sewer, water, telephone, cable, power, bridges and streets;

2. Water monitoring devices;

3. Flood control facilities approved by the applicable urban drainage control district, the Army Corps of Engineers, the Federal Emergency Management Agency and the City Utilities Department;

4. Irrigation structures; and

5. Application materials. In addition to the normal application materials required to obtain a permit, the City Engineer may require the applicant to furnish additional information and details deemed necessary to evaluate the effects of the proposed construction upon the flood plain and the safety of inhabitants and visitors, including but not limited to:

a) Cross-sections illustrating the flood plain in the area to be occupied by the development and the base flood elevation; and

b) A flood plain analysis by a Colorado Registered Professional Engineer of the flood profile, elevation and velocity, using methodology acceptable to the Federal Emergency Management Agency, including existing and anticipated uses and making a

determination that the proposed construction will not cause a rise in the elevation of the water surface of the base flood.

(e) Flood Plain Regulations. When reviewing an application for a permit, the City Engineer shall determine whether it meets the purposes of this Section and approve or disapprove a complete permit application after reviewing the following regulations:

(1) No new residential dwelling units or uses shall be established in the flood plain. Existing dwelling unit uses may be improved if they meet the requirements of this Section.

(2) Permitted and conditional uses allowed in the flood plain are listed in Section 17-32-30.

(3) New nonresidential and substantially improved structures shall elevate the lowest floor including basement, to at least one (1) foot above the base flood elevation.

(4) Structures shall be placed on and anchored to permanent foundations which shall have structural components capable of resisting hydrostatic and hydrodynamic loads, and shall be anchored to resist flotation, collapse or lateral movement during a base flood, as designed by a registered, professional engineer.

(5) The enclosure of accessible areas below the base flood elevation is prohibited, except for crawl spaces with headroom less than four (4) feet in height. No enclosure shall be permitted which has the potential of becoming habitable space.

(6) Any development, including fill, new construction and substantial improvements, shall not be permitted in the floodway, except where a mineral extraction operation is operating under a valid permit. Mineral extraction operations shall not cause an increase to the base flood elevation.

(7) No lot shall be created which will violate the provisions of this Article. In particular, no lot shall be created which is intended for the establishment of a dwelling unit or other disallowed use.

(8) Subdivisions for allowed uses within flood plains. The development or redevelopment of subdivisions for commercial and/or industrial uses which are allowed as a permitted or conditional use, in part or in whole, within the boundaries of the one-hundred-year flood plain shall meet the following requirements:

a. Designs shall minimize flood damage;

b. All utilities, including but not limited to sewer, water, power and telephone systems, shall be located and constructed to minimize or eliminate flood damage, and must meet the provisions of Paragraph (10) below;

c. Adequate drainage shall be provided to reduce exposure to flooding; and

d. Base flood elevation data shall be provided for each lot. Base flood elevations shall be provided by the applicant.

(9) Manufactured home parks and subdivisions.

a. Development, in whole or in part, of a manufactured home park or subdivision within the boundaries of the flood plain is not permitted.

b. Nonconforming manufactured home parks or subdivisions shall not be improved or expanded in such a way as to add additional space and/or lots for manufactured homes within the boundaries of the flood plain.

c. When a manufactured home is moved onto an existing lot within the flood plain, a permanent foundation and/or compacted fill must be provided so that the lowest floor of the manufactured home shall be at least one (1) foot above the base flood elevation.

(10) Construction materials and methods for utilities.

a. Sanitary sewer and potable water utilities may pass through the flood plain to serve and connect to points out of the flood plain; in no case shall new sewer or water taps be given to uses which do not conform to the provisions of this Article.

b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and shall be constructed using methods and practices that minimize flood damage.

c. All new and replacement water supply and sewer systems shall be designed to minimize or eliminate infiltration of flood waters into that system and to minimize or eliminate discharge of the systems into flood waters.

d. All wastewater systems shall be located to avoid impairment to them or contamination from them during flooding.

e. All electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Such equipment in substantially improved structures shall be elevated to at least one (1) foot above the base flood elevation.

(11) No person shall store or process materials that are flammable, poisonous or explosive, that in times of flooding could in any way be harmful to human, animal or plant life, or that are buoyant and not adequately anchored or contained, except at or above the flood protection elevation for the area in which they are located.

(12) No development shall require additional public or private expenditures beyond the costs of the development proposed by the applicant.

(13) No development shall take place in which it would be difficult or impossible to obtain safe access by ordinary and emergency vehicles.

(14) No development shall adversely affect surrounding or downstream development.

(15) The carrying capacity of a relocated or altered watercourse shall be maintained.

(16) Encroachments into the adopted regulatory floodway are prohibited, including, by illustration, fill, new construction, substantial improvements and other development with the flood way, provided that a variance may be granted in accordance with the provisions of Subsection (g) below. The applicant for an encroachment variance shall submit hydrologic and hydraulic analysis by a licensed engineer in accordance with standard engineering practice that the encroachment variance complies with the criteria set forth in Subsection (g).

(g) Flood Plain Variance Criteria.

(1) Variance applications: A person wishing to develop or use land or structures in such a way that does not conform to the requirements of this Section and cannot be made to conform without unreasonable expense or unreasonable impact on the existing structure may apply to the Board of Adjustment for a variance from the requirements of this Section. No variance shall be accepted, processed or granted which will permit a use which is incompatible with the discharge of the one-hundred-year flood, as determined by the list of permitted and conditional uses within the flood plain. In particular, no variance application shall be accepted, processed or granted which would permit the construction of new dwelling units. Variance applications shall be in compliance with the application requirements outlined above.

(2) Variance criteria. Variances to the above standards shall only be issued by the Board of Adjustment upon finding all the following criteria to be true:

- a. The variance is the result of good and sufficient cause;
- b. A determination by the Board of Adjustment that failure to grant the variance would result in exceptional hardship to the applicant;
- c. A determination by the Board of Adjustment that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other standards outlined in this Article;
- d. The development will not increase the risk that materials may be swept onto other lands or be injurious to others;
- e. That there is a public necessity of locating the development within the flood plain and the proposed use can not be located elsewhere;
- f. That the development will be safely accessible by emergency vehicles during times of flood;
- g. Variances will not be issued in the regulatory floodway if any increase in the base flood elevation occurs;
- h. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in this Section;

i. That the cost of providing essential services as maintaining and protecting public utility systems, roads and bridges during and after floods will not rise as a result of the development.

(3) Increased insurance premiums. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the variance.

(4) Engineering certification. If a variance is to allow development within a floodway, a certification by a registered professional engineer shall be provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. (Ord. 1964, 2008)

Sec. 17-16-210. ME – Mineral Extraction.

(a) Purpose. It is the purpose of this District to establish reasonable and uniform limitations, safeguards and controls for the conservation and wise utilization of natural resources and for rehabilitation of excavated land. Land within this classification is designated as containing commercially feasible mineral deposits in sufficient size parcels and in areas where extraction and rehabilitation can be undertaken while still protecting the health, safety and welfare of the inhabitants of the area and the City. In cases where the location of the District or use abuts other zoning or use, use of land, structures, excavation and rehabilitation may be restricted to be compatible and protect the adjoining areas.

(b) General Requirements. The extraction of commercial mineral deposits with necessary accessory uses shall be allowed in Mineral Extraction Districts upon approval and in conformance with an approved excavation and rehabilitation plan. Such a plan shall contain the following in the required number of copies.

(1) A detailed description of the method of operation of excavation and rehabilitation to be employed, including any necessary accessory uses.

(2) An excavation plan showing the areas to be mined with accompanying time schedules, fencing, depth and other pertinent factors.

(3) A detailed rehabilitation plan showing detailed proposed rehabilitation with time schedules, including but not limited to finished contours, grading, sloping, types, placement, and amount of revegetation, after-use plans and any other proposed factors.

(4) A water report and evaluation prepared by a registered engineer analyzing the effect and/or feasibility of both ground and surface water.

(5) A drainage report and drainage plan prepared by a registered engineer with consideration of natural drainage, drainage during excavation and drainage after rehabilitation such that the proposed rehabilitation and excavation will have no adverse effect in excess of natural conditions (where applicable, the report should consider floodway and flood storage aspects).

(6) Such additional information as may be requested by the Planning Department.

(7) Upon approval, the excavation and rehabilitation plan should be filed as a Planned Resource Development Plan with bonding and insurance deemed necessary by the City Council, to insure compliance with both the excavation and rehabilitation plans as approved. Any change in either plan shall be prohibited unless amended by approval of the City Council after review by the Planning Commission.

(8) The procedure for consideration of any request change in the plans shall be the same as for a zone change.

(c) Operation Standards for All Mining Operations. Mining and necessary accessory uses shall be subject to the following conditions and the approved excavation and rehabilitation plan:

(1) A permit to excavate issued by the State of Colorado.

(2) No excavation or deposit of overburden within twenty-five (25) feet to the boundary of adjacent property, easement, irrigation ditch or right-of-way unless by written agreement of the owner or owners of such property, easement, irrigation ditch or right-of-way.

(3) No excavation within one hundred twenty-five (125) feet of any existing residence unless by written agreement of the owner and occupants of such residence.

(4) Haulage roads within the premises shall be maintained in a reasonably dust-free condition.

(5) Hours of operation shall be 6:00 a.m. to 10:00 p.m.

(6) All sand and gravel shall be excavated in such a manner as to leave an average of two (2) feet of undisturbed sand or gravel to provide a water gearing strata, unless the rehabilitation plan provides for a permanent lake.

(7) In no event shall a slope of less than 2:1 be left for dry pit, or a slope of less than 3:1 to a depth of eight (8) feet and 2:1 thereafter be left for a wet pit, when operations are completed.

(8) The operator shall submit a route plan to the Director of Public Works and receive permission to use for haulage any public right-of-way not designed for such haulage by reason of load limit, dust, right-of-way or pavement width, or other relevant factors. He or she may place reasonable restrictions on such right-of-way use.

(9) The floor of excavated pits, whether wet or dry, shall be left in a reasonably smooth condition.

(10) The operator shall not excavate, store, overburden or excavate material, or dike in such a manner as to increase any drainage or flooding on property not owned by the operator or damage to public facilities.

(11) Prior to starting excavation, the operator shall fence gravel pit operations with a V-mesh or chain-link fence to a height of seventy-two (72) inches topped with three (3) strands of barbed wire canted at a forty-five-degree angle outward. The operator may fence the entire area immediately or fence only areas of excavation; however, no fencing shall be removed until rehabilitation has been completed.

(12) All operations shall conform to noise, vibration and other performance and development standards.

(13) All air emissions shall conform to standards established by the Tri-County District Health Department and the Colorado Department of Health and Public Environment.

(14) All water uses and discharge shall conform to standards established by the State Water Pollution Control Commission.

(15) Except for pits designated as sanitary landfills by certificate of designation, all slopes shall be stabilized and land remaining above the natural water level revegetated.

(16) Upon completion of the rehabilitation plan, the applicant shall apply to the City Council for release of collateral and approval of the complete rehabilitation plan and application for the appropriate zone district.

(17) City Council shall have the power to cancel the plan for violation of any of these regulations or conditions imposed by the City Council. Upon at least ten (10) days' notice to the owner and operator, the City Council may hold a hearing to determine the nature and extent of the alleged violation and shall have the power upon good cause to cancel or revoke the plan and to require corrective measures to be taken.

(d) Other Uses. No permanent structures may be constructed on mineral conservation districts, except fences, without demonstrating by competent proof that either minerals are not of commercial quantity and quality, or that such construction will not prohibit eventual extraction. Where structures are allowed, the minimum requirements of the R-1 or C-1 District shall be followed where applicable, except by special or conditional use permit. (Ord. 1964, 2008)

Sec. 17-16-220. PL – Public Land.

(a) Purpose. The PL District is a district in which public and semi-public facilities and uses are located, including governmental and educational uses. Some uses in this area are subject to the conditional use criteria and require the conditional use procedure to receive the approval of the Planning Commission and the City Council.

(b) General Requirements:

(1) Minimum frontage width at the building line: One hundred (100) feet.

(2) Minimum lot size: Twenty thousand (20,000) square feet.

(3) Minimum building setback:

a. Front: Fifty (50) feet from all streets.

b. Side: Fifteen (15) feet on one (1) side, five (5) feet on other side.

1. Four-hour rated construction: zero (0) feet on one (1) side abutting residential, fifteen (15) feet or equal, whichever is greater. Maximum required: twenty-five (25) feet.

c. Rear: fifteen (15) feet.

1. Abutting residential district: fifteen (15) feet or equal to height of building, whichever is greater. Maximum required: twenty-five (25) feet.

(4) Maximum building height: Sixty (60) feet.

(5) Landscaping. Twenty-five (25) feet average abutting any street (fifteen [15] feet minimum). In addition, side and rear setbacks if directly abutting a residential or MH zone district.

(c) General Restrictions. All outside storage shall require a conditional use approval and if approved shall be entirely concealed by a six-foot to eight-foot solid screen closed fence. When abutting a residential zone district, such fence shall be wooden, masonry or hedge. No vehicles in excess of one-and-one-half-ton capacity or semi-trailers shall be kept at the site.

(d) Minimum Off-Street Parking Spaces. In general, the use proposed for the site will require the same off-street parking requirements as those required for private development of a similar nature. However, because of the wide variety of uses allowed in this zone, the Planning Department shall determine the parking requirements for each use, subject to the approval of the Planning Commission and the City Council. (Ord. 1964, 2008)

Sec. 17-16-230. O – Open Space and Parks.

(a) Purpose. The O District is a district in which public uses such as parks, trails, greenbelts, linear or connector spaces, and the customary accessory uses are allowed. Some uses in this District are subject to conditional use criteria and require the conditional use procedure to receive the approval of the Planning Commission and the City Council.

(b) General Requirements.

(1) Minimum frontage width at the building line: One hundred (100) feet.

(2) Minimum lot size: None.

(3) Minimum building setback:

a. Front: fifty (50) feet from all streets.

b. Side: fifteen (15) feet on one (1) side, five (5) feet on other side.

1. Four-hour rated construction: zero (0) feet on one (1) side, fifteen (15) feet on other side.

2. Abutting residential district: fifteen (15) feet or equal to building height, whichever is greater. Maximum: twenty-five (25) feet.

c. Rear: fifteen (15) feet.

1. Abutting residential district: fifteen (15) feet or equal to building height, whichever is greater. Maximum: twenty-five (25) feet.

(4) Maximum building height: Twenty-five (25) feet.

(5) Landscaping. Twenty-five (25) feet average abutting any street (fifteen [15] feet minimum). In addition, side and rear setbacks if directly abutting a residential or MH zone district.

(c) General Restrictions.

(1) In general, structures shall be limited to those required for maintenance and operations that normally are required for the customary use of the allowed uses in the Open Space and Parks Zone.

(2) All outside storage shall require a conditional use approval and, if approved, shall be entirely concealed by a six-foot to eight-foot solid screen closed fence. When abutting a residential zone district, such fence shall be wooden, masonry or hedge. No vehicles in excess of one-and-one-half-ton capacity or semi-trailers shall be kept at the site.

(d) Minimum Off-Street Parking Requirements. The Planning Department and the Parks Director shall determine the parking requirements for each use, subject to the approval of the Planning Commission and the City Council. (Ord. 1964, 2008)

Sec. 17-16-240. A/R – Agricultural/ Residential.

The intent of this District is to allow agricultural uses, including commercial farming, ranching and gardening, and single-family residential with large size homes.

(1) Minimum area of lot: Thirty-five (35) acres (excluding any legal lots in existence prior to annexation).

(2) Minimum building setbacks on all sides:

a. Principal building: twenty (20) feet.

b. Accessory building: thirty (30) feet.

(3) Maximum building height:

a. Principal building: thirty-five (35) feet.

b. Accessory building: twenty-five (25) feet (one [1] foot of additional height may be gained over the above limit with each two [2] feet of additional setback).

(4) Building area:

a. Minimum floor area principal building: one thousand (1,000) square feet above grade.

b. Total maximum floor area of accessory buildings: three thousand (3,000) square feet above grade.

(5) Animal units: Maximum number of animal units permitted per acre: four (4) per acre or portion thereof.

(6) Parking: Two (2) off-street parking spaces plus ingress and egress, all constructed of a durable and mud-free surface;

(7) Landscaping: All open areas not cultivated with crops shall be maintained as natural open space with a minimum covering of native grasses and plants. Irrigated and designed landscaped areas can be implemented at the property owner's discretion. (Ord. 1964, 2008)

Sec. 17-16-250. A/E – Agricultural Estate.

The intent of this District is to allow agricultural uses, including commercial farming, ranching and gardening, along with estate residential uses. Only one (1) primary dwelling unit is allowed per lot. Mobile homes are not permitted in the A/E District except as accessory dwellings with a conditional use permit.

(1) Minimum area of lot: Twenty (20) acres (as counted after right-of-way dedication).

(2) Minimum building setbacks on all sides:

a. Principal building: twenty (20) feet.

b. Accessory building: thirty (30) feet.

(3) Maximum building height:

a. Principal building: thirty-five (35) feet.

b. Accessory building: twenty-five (25) feet (one [1] foot of additional height may be gained over the twenty-five-foot maximum with each two [2] feet of additional setback).

(4) Building area:

a. Minimum floor area principal building: one thousand (1,000) square feet above grade.

b. Total maximum floor area of accessory buildings: three thousand (3,000) square feet.

(5) Animal units: Maximum number of animal units permitted per acre: four (4) per acre or portion thereof.

(6) Parking. Two (2) off-street parking spaces plus ingress and egress, all constructed of a durable and mud-free surface.

(7) Landscaping. All open areas not cultivated with crops shall be maintained as natural open space with a minimum covering of native grasses and plants. Irrigated and designed landscaped areas can be implemented at the property owner's discretion. (Ord. 1964, 2008)

Sec. 17-16-260. Sludge Application Overlay Zone.

(a) Intent. It is the intent of this Zone to establish guidelines allowing the application of domestic sewage sludge for beneficial purposes on appropriate lands within the City limits. The quality of the domestic sewage sludge shall meet the defined health standards as required by the Colorado Department of Public Health and Environment and accepted farming practices as determined by the West Adams Soil Conservation District. Land designated within the Sludge Application Overlay Zone is determined by compatibility with surrounding land uses, soil types and proximity to wellheads.

(b) Sludge Application Overlay Map. The official Sludge Application Overlay Zone Map is located in the office of the Community Development Department. No sludge shall be applied in areas designated as inappropriate as outlined in the Sludge Application Overlay Zone Map. The Sludge Application Zone is an overlay zone and does not influence underlying zoning designations. The Sludge Application Overlay Zone Map shall be automatically amended as state law concerning sludge application is amended.

(c) General Requirements.

(1) A domestic sewage sludge application permit shall be required for the application of domestic sewage sludge in the Sludge Application Overlay Zone. Any contiguous parcel of land or any number of noncontiguous parcels which are owned, leased or occupied by the same individual or group of individuals and which meet all applicable code requirements may be permitted under one (1) domestic sewage sludge application permit.

(2) Any person filing an application for a domestic sewage sludge application permit with the Colorado Department of Public Health and Environment, Water Quality Control Division, shall also comply with the City procedures and regulations contained herein. Upon receipt of a "Letter of Intent to Apply Domestic Sewage Sludge" from the Colorado Department of Public Health and Environment, the Community Development Department shall notify the potential applicator of City requirements.

(3) The applicator shall be required to apply for a domestic sewage sludge application permit sixty (60) days prior to the anticipated sludge application date.

(4) Applicators who have already received a "Notice of Authorization to Apply Domestic Sewage Sludge" on sites within the City limits from the Colorado Department of Public Health and Environment, Water Quality Control Division, prior to the effective date of this Article, shall be required to obtain an domestic sewage sludge application permit prior to applying sludge. The Community Development Department shall send a "Notice of City Sludge Permit Requirement" to those applicators described above, within thirty (30) days of adoption of this Regulation.

(d) Processing of Permit Requests.

(1) Application submittal requirements for a permit:

a. Evidence that demonstrates that the use will be in compliance with the Colorado Department of Public Health and Environment Domestic Sewage Sludge Regulations 5CCR 1003-7.1986. This requirement may be met by the submittal of the Notice of Authorization to Apply Domestic Sludge received for the site from the State.

b. Two (2) copies of the information supplied to the Colorado Department of Public Health and Environment in his or her application and any other submittal information required by the Colorado Department of Public Health and Environment.

c. The property owner must sign the permit authorizing the application of domestic sewage sludge.

(2) Review and decision on permits:

a. Upon receipt of a completed application, staff will forward the application to the West Adams Soil Conservation District and the governing body of any town and county whose boundaries are within a three-mile radius of the parcel under consideration for a domestic sewage sludge application permit. The application will be reviewed by the West Adams Soil Conservation District according to its rules and regulations with regard to standards required for acceptable farming practices and in accordance with the time schedule for review as set in the Intergovernmental Agreement.

b. Any town and county notified above shall respond within fourteen (14) days after the mailing of the application by the City. The failure of any agency to respond within fourteen (14) days may be deemed a favorable response.

c. Upon receipt of a recommendation from the Soil Conservation District and interested agencies, the City shall either approve, deny or conditionally approve the request based upon the recommendations received and compliance with City regulations.

d. The permit shall be issued if City staff approves the request. A copy of the permit shall be forwarded to the applicable Soil Conservation District. Upon receipt of the written permit containing a "Notice to Proceed" statement, the applicant may proceed with the activity. Notice shall be provided by the applicator to the Soil Conservation District prior to start of sludge application. The applicator shall operate in accordance with all approved plans and required conditions of approval as stated in the permit issued by the City.

e. Denial of an application by the City may be appealed to the City Council by filing a "Notice of Appeal" with the Community Development Department within fifteen (15) days after the date of the denial. The Council, by majority vote, after a public hearing, may reverse such denial or take other action consistent with the provisions of this Code.

(e) Duration of Permit. The sludge application permit shall be valid for a period not to exceed nine (9) months from the date of issuance. If proposed activity for which a domestic sewage sludge application permit is issued is not commenced within nine (9) months from the date of issuance, the

permit shall expire and become void. Once a permit expires, a new permit must be applied for and appropriate fees paid as required in Subsection (f) below.

(f) Payment of Operations Fee. The City will require payment of an operations fee upon issuance of a domestic sewage sludge application permit. The operations fee will be a flat rate per dry ton of domestic sewage sludge, and shall be set by City Council in the annual fee resolution. The fee shall be assessed on the total dry tons of domestic sewage sludge anticipated to be applied during the term of the domestic sewage sludge application permit. The fee shall be used to offset administrative review and monitoring costs incurred by the City and the Soil Conservation District in implementing the regulations regarding domestic sewage sludge application permits.

(g) Written Request for Change. An operator requesting changes to an approved domestic sewage sludge application permit must follow steps (d)(2)c. and (d)(2)d. above.

(h) Performance Standards.

(1) The use must be in compliance with the Colorado Department of Public Health and Environment Domestic Sewage Sludge Regulations, 5CCT 1003-7, 1986, as amended.

(2) Domestic sewage sludge shall not be applied within one thousand (1,000) feet of a wellhead supplying water for human consumption or within one thousand (1,000) feet of a residential structure, unless the property owner of such well or residence gives written authorization to an applicator of sewage sludge.

(3) Surface application will be immediately incorporated into the soil, concurrent with the application.

(4) The application of domestic sewage sludge shall be accomplished with a level of management which will minimize soil erosion caused by wind and/or water and the degradation of surface and subsurface water quality.

(5) No commercial domestic sewage sludge, poultry and/or livestock manure may be stockpiled at any time within the City limits, including stockyards and feed lots. Rural residential properties under five (5) acres and containing fewer than four (4) animals per acre shall be excluded from the stockpiling regulations, provided that the manure stockpiled on site has been generated from livestock located on site, unless such stockpiling causes a nuisance.

(6) Follow-up sludge application analysis reports as required by the Colorado Department of Public Health and Environment must be submitted to the City for review.

(7) Domestic sewage sludge, as defined in this Article, does not include hazardous waste, industrial waste which is toxic, hazardous, infectious, highly putrescent or waste that contains more than one percent (1%) petroleum hydrocarbons by volume.

(8) Sludge applications will be restricted to 7:00 a.m. to sunset.

(i) Enforcement of Conditions of Permits and Existing Operations.

(1) Right of entry. Whenever necessary to make an inspection to enforce any provision of this Article, an authorized representative of the City may go upon any land at any reasonable time to inspect the same or to perform any duty imposed hereunder, provided that he or she identify himself or herself and, if such land is unoccupied, that he or she shall make a reasonable effort to locate the applicant or other persons having control of such land to notify them of such entry.

(2) Cease and desist order. Whenever any work or activity is being done contrary to the provisions of the domestic sewage sludge application permit issued hereunder, the City or its authorized representatives may issue a written notice to order the work stopped to the applicant or any person engaged in or causing such activity to be done, and any such person shall cease such activity until authorized by the City to proceed. The City shall reserve the right to revoke or suspend any permit issued hereunder if work is not done in accordance therewith.

(j) Violation and Penalty.

(1) It shall be unlawful to use land in the City contrary to, or in violation of, any of the provisions of this Article, or any amendment thereof. Any person, firm or corporation, whether as principal, agent, employee or otherwise, either as owner, lessee, occupant or otherwise, who violates any of the provisions of this Article, or any amendment thereof, or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon him or her by the provisions of this Article, shall be deemed guilty of a violation of this Article and, upon conviction thereof, shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for a period not to exceed twelve (12) months, or both such fine and imprisonment. Each day of the existence of any violation shall be deemed a separate offense.

(2) In case of a failure to comply with any requirements of this Article, the City or any person affected by such failure may, in addition to the remedies provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use. (Ord. 1964, 2008)

Sec. 17-16-270. Overlay Districts.

(a) Intent. It is intended that Overlay Districts may be adopted and applied primarily to such neighborhoods and areas which may be subject to development or redevelopment that may not be compatible with the character of the existing neighborhood or the underlying zone. Within these neighborhoods and areas, it is desirable that new development or redevelopment complement and enhance the existing neighborhood or area. It is further intended that said overlay designation will encourage and foster development or redevelopment that is compatible with the existing neighborhood. This is accomplished by a combination of development standards related to the Overlay District, including, without limitation, design standards, lot size, signage, parking requirements, landscaping standards, provisions for appropriate pedestrian and vehicular access, and building setback requirements, which provide for attractive, functional development, while allowing for preservation of historical and architecturally significant structures, appropriate mixing of residential and commercial uses and the continued growth of the commercial and service sectors which are vital to the community. Overlay Districts will not conflict with the intent, purposes or other provisions of this Land Use and Development Code, but will enhance flexibility in the development or redevelopment of property within the Overlay District.

(b) Definitions.

(1) General provisions. Many of the words and terms used in Overlay Districts are defined in Article 17-12, Article 17-40, Division 6 or Section 17-44-440 and are not generally repeated here. If a word, term or phrase is not defined in the Zoning Code, Subdivision Regulations or Residential Design Standards, the Director shall have the authority and power to interpret or define such words, terms and phrases according to custom, accepted usage and common meaning, subject to appeal to the Board of Adjustment. If a definition set forth in this Section related to Overlay Districts, conflicts with a definition or definitions found in the Zoning Regulations, Subdivision Regulations, Residential Design Standards or in any other City ordinance or regulation, the definition in this Section shall govern.

(2) Director. *Director* is the Director of the Department of Community Development.

(3) Land Use and Development Code. The *Land Use and Development Regulations and Guidelines* as used herein includes the Zoning Regulations, Subdivision Regulations, Residential Design Standards and Commercial Design Standards, as the same may be amended from time to time, and contained in Titles 16 and 17 of the Brighton Municipal Code.

(c) General Provisions. The reviews, procedures, submission requirements and other requirements of the Land Use and Development Regulations and Guidelines, as the same may be amended from time to time, shall apply to all properties designated as lying within an adopted Overlay District, except as the same may be modified in the provisions and limitations as the Overlay District, adopted by the City Council.

(d) Relationships to Underlying Zone District. The provisions of an Overlay District are in addition to the requirements of the underlying zone district of a subject property, and to the extent the standards of the Overlay District are in conflict with standards of the underlying zone, the standards of the Overlay District shall control and supersede the standards of the underlying zone district.

(e) Review Required. No building permit shall be issued by the Building Official for the construction, reconstruction or demolition of a building or structure subject to the regulations of an Overlay District until the applicant has produced evidence to the Building Official that the building or structure for which a permit is being requested has been approved pursuant to the review process set forth in this Subsection.

(1) No building permit shall be issued for any building or structure in an Overlay District for a use-by-right or temporary use until the same has been reviewed and approved by the Director in accordance with the terms and requirements applicable in the Overlay District. The Director shall not approve the issuance of the building permit unless the Director has found the same to be in compliance with the applicable Overlay District regulations.

(2) No building permit for a conditional use or special use shall be issued until the same has been reviewed and approved in accordance with the applicable provisions of the Zoning Code.

(f) Application – Use-by-Right/Temporary Use. Application for review of a use-by-right or temporary use shall be submitted to the Department of Community Development in adequate detail to

enable the Director to determine whether each of the required development standards has been met. Such applications shall include, at a minimum:

- (1) A complete application form approved by the City;
 - (2) Proof of ownership;
 - (3) Legal description of the subject property;
 - (4) One (1) or more scale drawing of each elevation of the buildings or structures that are subject to the Overlay District development standards;
 - (5) Site development plan with locations of improvements thereon;
 - (6) Parking plan, including location and design thereof, and agreements for shared parking, if applicable;
 - (7) Landscaping plan and proposed schedule for completion of:
 - a. In the event that the approved landscaping plan is not installed prior to the issuance of a certificate of occupancy, the applicant shall provide a financial guarantee in a form acceptable to the City.
 - b. In the event the approved landscaping is not installed within one (1) year from the date of the certificate of occupancy, the financial guarantee shall be used by the City to install the landscaping as approved.
 - c. It shall be the owner's obligation to replace landscape material which has failed to survive within twelve (12) months of its planting or installation, and to restore the landscaping on the site as approved. If the owner fails to do so, the financial guarantee shall be used by the City to replace the planting materials and/or landscaping that has failed to survive.
 - (8) Other material as required by the Director, the Development Review Committee, Planning Commission, City Council and/or other public agencies.
- (g) Application – Conditional Uses, Special Uses. Applications for review of a conditional use or special use shall be submitted to the Department of Community Development and reviewed in accordance with the applicable provisions of the Land Use and Development Regulations and Guidelines, as the same may be amended from time to time.
- (h) Review and Action – Use-by-Right, Temporary Use.
- (1) The Director shall review each application for approval of a use-by-right or temporary use to determine if the proposed development complies with the Comprehensive Plan, the restrictions and requirements of the applicable Overlay District and the Land Use and Development Code, as the same may be amended from time to time. The Director may approve, approve with conditions or deny the application. Should the application be approved, all approved buildings, structure or improvements shall be constructed as shown in the application documents, except as the same may have been amended by conditions attached to the approval. The approval and conditions thereon

shall become a part of the building permit and are subject to the conditions of the building permit. Should the application be denied, the reasons for such denial shall be set forth in writing.

(2) Written notice of the decision by the Director shall be mailed to the applicant.

(3) The applicant may appeal the decision of the Director to the Planning Commission.

(4) The right to construct a building or structure in accordance with the Director's approval or approval with conditions shall lapse and be of no further effect with respect to any building or structure if a building permit has not been obtained within one hundred eighty (180) day of the date of the decision. (Ord. 1964, 2008)